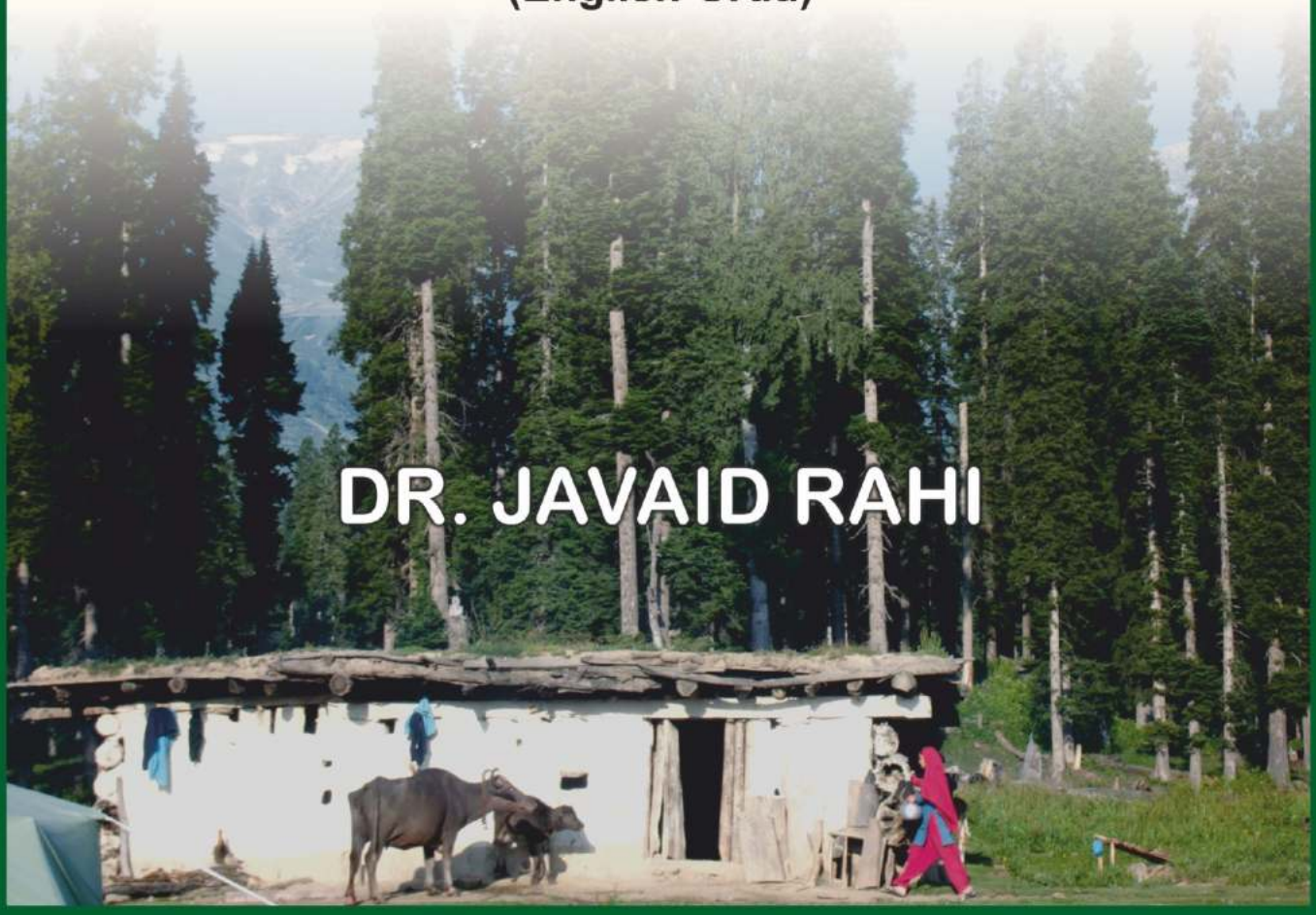
TRIBAL RIGHTS

A HANDBOOK FOR FOREST DWELLERS OF JAMMU AND KASHMIR

(English-Urdu)



DR. JAVAID RAHI

Javaid Rahi's Books

authored , translated , compiled / edited

DICTIONARIES

1. **Gojri Dictionary** (Concise) –901 pages
2. **Lok-Warsti Dictionary** (Folk-Lore Dictionary) –(Volume 2)
3. **Hindi- Gojri Dictionary**

ENCYCLOPEDIA

1. Research Work "Himailyai Gujjar Encyclopedia" (Encyclopedia of Himalayan Gujjars)

RESEARCH BOOKS : (Published by Author)

1. Lok-Virso – **(Research)**
2. **Gujjaran ki Reet Rasam (Research)**
3. Jammu Kashmir ke Qabaila-aur-unki Zubanein (**(Research)**
4. Gujjar Tribe of Jammu and Kashmir (Research English) (2015)
5. Gujjar Shanakhat Ka Safar (History and Culture Urdu-2005)
6. Gojri Lok Geet -Compilation 2018
7. Gojri Look Kahani -300 Gojri Folk Tales ;-Compilation
8. Gojri GOJRI BAIT / SI HARFI
9. **Gojri Grammar**

English Research -Book Series on Gujjars;

1. The Gujjars Vol 1 No. 1 -History of Gujjars
2. The Gujjars Vol 2 No. 2 -Gojri Language
3. The Gujjars Vol 3 No. 3 -Gujjar Culture
4. The Gujjars Vol 4 No. 4 -Gujjar Heritage
5. The Gujjars Vol 5 No. 5 -Tribal Gujjars Bakerwals
6. The Gujjars Vol 6 No. 6 -Reasearch articles

TRANSLATIONS (books):

1. Gandhi Katha - 2023
2. 150 poems of Rabinderanath Tagore in Gojri (2014)
3. Kalam-e- Shekh ul Alam (RA) in Gojri (2018)

Edited Journals

1. SHEERAZA GOJRI – 70 Books
2. Maharo-Adab : 13 books
3. Urdu- Gujjar Aur Gojri : 10 issues/books
4. Paneeri (Lit. for Children) : 10 books
5. Masawdo 05 issues/books
6. Sanjh –Book Series ; 05 issues/books

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A Handbook for Forest Dwellers of Jammu and Kashmir

(English - Urdu)

Dr. Javaid Rahi

Published with the Support of :

Tribal Research Institute
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Dedicated to

Shri Manoj Sinha Ji

Hon'ble Lieutenant Governor of Jammu and Kashmir

whose persistent efforts for tribal development in J&K
will be remembered for all times to come.

सत्यमेव जयते

Dr. Shahid Iqbal Choudhary, *IAS*
Secretary,
Department of Tribal Affairs,
Jammu and Kashmir.

FOREWORD

I am very pleased to learn that eminent researcher and writer Dr Javaid Rahi has come up with the idea of writing a comprehensive book and compiling the relevant legal provisions for education, information and awareness of the forest dwellers, the most significant stakeholders in implementation of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act or the Forest Rights Act (FRA).

Dr Rahi has a 3-decade long experience in literature, culture and social sectors, primarily working for the empowerment of the ethnic tribal communities and forest dwellers. In our two-decade long association I have closely seen him working across the literary and cultural landscapes for preserving the culture of these tribes and also acting as an agent of change for their empowerment.

The Jammu and Kashmir Government formally rolled out FRA implementation in September 2021 which had in backdrop a year-long capacity building, outreach and stakeholder communication jointly done by the government departments, non-governmental organisations and the professionals. Dr Rahi played a key role in this critical stage, understanding the needs of community information as the FRA implementation was already delayed by 15 years compared to other states. He organised public outreach programs and also assisted the departments as a resource person.

"Forest Rights- A Handbook for Forest Dwellers of J&K" is an initiative in right earnest, at a moment when the gram sabhas are in need of authentic and credible information about various contours of FRA implementation. Apart from the Acts, Rules and Guidelines the book presents various templates and models which make the FRA process easier and convenient. I am told this is also being translated into local languages which will certainly benefit the communities in a much greater way.

I congratulate Dr Rahi for this endeavour and hope that this book will serve a great purpose in spreading the awareness among communities about processes involved in FRA implementation and make the process simpler and easier.

Sd/
Dr. Shahid Iqbal Choudhary, IAS

Dated: 06 July 2023

FRA AWARENESS PROGRAMME CONDUCTED BY DR JAVAID RAHI WITH COMMUNITY

FRA / ENVIRONMENT AWARENESS PROGRAMME CONDUCTED BY DR JAVAID RAHI WITH COMMUNITY

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STRUGGLE FOR FOREST RIGHTS FROM 2006-TO-2019

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Acknowledgement

I would like to express sincere thanks to Dr. Shahid Iqbal Choudhary, IAS, Secretary J&K Tribal Affairs Department, and Director Tribal Research Institute, J&K, for their assistance in carrying out this research project.

I want to convey my profound gratitude to Shri Mohit Gera ji, Ex-Principal Chief Conservator of Forests, J&K, who encouraged my fieldwork in FRA at every stage.

I would also want to thank Dr. Abdul Khabir, Dy. Director, J&K Tribal Affairs Department, Jammu, for providing support at every phase of the project. I am grateful to Dr. Tanvi Bhati for taking the time to edit/review the text of the book.

Dr. Abid Ahmed, Editor of English, Jammu and Kashmir Academy of Art, Culture, and Languages, deserves special recognition for his great book suggestion.

It brings me great pleasure to express my heartfelt gratitude to my friends Ch. Shokat Naseem, Ch. Zahid Parwaz, Ch. Faisal Phamda and Ch. Yunus Ibrar for their support and the field work in putting this project into operation and supporting tribal people in gaining forest rights.

I also express my love for Alvi and Ali.

Dr. Javaid Rahi

Why this book?

The Forest Rights Act, 2006, commonly referred to as the Scheduled Tribes and Other Traditional Forest Dwellers Act, was a landmark piece of legislation in India that acknowledged and protected the rights of tribal and traditional forest dweller populations on forest land. The Act wasn't applicable to Jammu & Kashmir until 2019. However, after a 14-year wait, it was finally extended to J&K under the Reorganisation Act 2019 of the Parliament of India.

Despite the new tribal laws that have been extended to J&K, a significant number of forest residents, particularly those who live in remote areas of the Union Territory, are unaware of their rights. As a result, I felt obligated to publish this book titled "Tribal Rights - A Handbook for Forest Dwellers of J&K."

The book covers a wide range of topics, including:

1. Providing a thorough description of the action and its goals.
2. Explaining the criteria for deciding who qualifies as a forest inhabitant and is entitled for the legislation's rights.
3. Describing the procedure for filing claims for individual and community forest rights.
4. Defining the specific duties and obligations of government entities in carrying out the enactment.
5. Providing guidance to forest dwellers on pursuing legal recourse and engaging in advocacy in cases of rights violations.

Further, the objective of this book is to educate forest-dwelling communities with this information, allowing them to exercise their rights and protect their way of life. Furthermore, it seeks to bridge the gap between the government and the public. As a result, the book serves as a comprehensive guide to the functioning of Forest Rights Committees, including Gram Sabhas. The book covers procedures for holding meetings, issuing notices, filling Form A/B/C, correspondence, evidence of occupation, passing various resolutions, reaching out to other committees, establishing quorums, and so on.

The guidebook includes a few documents that address critical problems such as fencing Forests, eviction, rehabilitation, and the future course of action for the Forest Rights Act's implementation.

I am also thankful to Dr. Shahid Iqbal, Secretary of the J&K Tribal Affairs Department, for his guidance and support in preparing and printing this book.

Jammu 12.06.2024 **Dr. Javaid Rahi**

Step-by-Step Process of the Forest Rights Act (FRA)

Constitution of FRA Committees:

1. Gram Sabha (FRA Committee): The local governing body of a village.
2. Sub-Divisional Level Committee (SDLC): Formed at the sub-divisional level.
3. District Level Committee (DLC): Formed at the district level.
4. State Level Committee (SLC): Formed at the state level.

Meeting of Gram Sabha:

1. Conduct a meeting of the Gram Sabha to initiate the process of recognizing forest rights.

Notice by FRA Committee of Gram Sabha:

1. The FRA Committee issues a notice inviting individual and community claims for forest rights.

Submission of Claim by Claimant:

1. Claimants submit their claims under the FRA using prescribed forms (Form A for individual claims, Form B for community claims, Form C for seasonal access rights).

Letter to SLDC for Joint Verification:

1. The Gram Sabha/FRA Committee sends a letter to the SLDC requesting joint verification of the claims submitted.

Joint Verification / Joint Verification Report:

1. A joint team, including representatives from the Gram Sabha, SDLC, and relevant authorities, conducts field verification of the claims.
2. The team prepares a Joint Verification Report.

Notice for Gram Sabha Meeting to Discuss Claims:

1. A notice is issued for a Gram Sabha meeting to discuss and review the verified claims.

Resolution of Gram Sabha:

1. The Gram Sabha passes a resolution on the verified claims, approving or rejecting them based on the verification report.

Covering Letter to SDLC on Claims:

1. The Gram Sabha/FRA Committee sends the approved claims along with a covering letter to the SDLC for further processing.

Correspondence with SDLC, DLC, SLC:

1. Ongoing communication with SDLC, DLC, and SLC for updates, clarifications, and additional information as required.

Replies to Objections from SDLC/DLC on Claims:

1. Address and respond to any objections or queries raised by the SDLC or DLC regarding the claims.

Reply to Eviction Notice from Forest Department:

1. Respond to any eviction notices issued by the Forest Department, providing necessary documentation and resolutions from the claimant.

Resolution of Gram Sabha for Diversion of Land:

1. The Gram Sabha can pass resolutions for the diversion of forest land for public purposes such as schools, electricity, roads, and other developmental projects approved by the government.

Other FRA Issues:

This step-by-step process ensures that the rights of forest dwellers are recognized and protected through a structured and participatory approach, involving multiple levels of governance and community involvement.

Public Notice

Submission of Individual and Community Forest Rights Claims under FRA

****

Under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the Forest Rights Committee, duly constituted by the Gram Sabha, hereby issues this notice inviting all residents of this panchayat ..... (Gram Sabha ..... Village ..... Tehsil ..... District ..... to submit their claims for Individual Forest Rights and Community Forest Rights in accordance with section 4 (1) (a) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 within 90 days of issue of this notice. .

The Forest Rights Committee (FRC) is established with the aim of ensuring that the forest rights of eligible individuals and communities are recognized and upheld as per the law. This is an opportunity for you, as residents of the area, to assert your rights to the forest resources you have been traditionally connected with for livelihood.

The committee member responsible for overseeing the submission process will be available at the ..... location during ..... time. We encourage all eligible claimants to approach the committee member with their claims for Individual or Community Forest Rights.

To facilitate the processing of your claims, please ensure that you submit your claims using the appropriate Forest Rights Forms A, B, or C, as per the approved format. Additionally, it is crucial to attach all necessary evidence supporting your claim, as required under Section 13 of the Forest Rights Rules, 2008. This evidence will play a significant role in substantiating your historical connection to the forest land and resources.

For any inquiries or assistance related to the submission process, please contact on Mobile number [.....].

Dated of Issue_____

Chairperson Gram Sabha :Name & Signature :

Secretary Gram Sabha: Name & Signature :

Panchayat/ Gram Sabha

Village

Tehsil

District of Jammu and Kashmir

FORM – A CLAIM FORM (INDIVIDUAL RIGHTS) FOR RIGHTS TO FOREST LAND

[See Rule 6(I)] & [See Rule 11(1)(a)]

1.	Name of the claimant(s)	
2.	Name of spouse	
3.	Name of father/ mother	
4.	Address	
5.	Village	
6.	Gram Panchayat	
7.	Tehsil	
8.	District:	
9.	(a) Scheduled Tribe: Yes/ No (b) Other Traditional Forest Dweller : (If a spouse is a Scheduled Tribe	Yes/ No (Attach authenticated copy of Certificate) Yes/ No (attach authenticated copy of certificate)
10.	Name of other members in the family with age : (including children and adult dependents)	Attach a copy

Nature of claim on land:

1.	Extent of forest land occupied a) for habitation b) for self-cultivation, if any: (See Section 3(1) (a) of the Act)	Habitation	Kanal/Marla
		House : Animal / Cow Shed / Badha: 1. Land for animal 2. Land for tree 3. Shadow /Tree area for animal sitting 4. Path 5. Devsthan 6. Graveyard 7. Land for Ritual 8. Other activities	
		Cultivation :	Kanal/Marla
		1. Land under occupation for Agricultural activities 2. Land for under occupation for Grass land (Rakh) 3. Land to tap natural resources	
		Other details :	

2.	Disputed lands if any: (See Section 3(1) (f) of the Act)	1. Case No: 2. Title of the Case : Attach documents (if Any) 3. Other details
3.	Pattas/ leases/ grants, if any: (See Section 3(1) (g) of the Act)	Details of Pattas/leases/grants Attach documents (if Any) Any other details:
4.	Land for in situ rehabilitation or alternative land, if any: (See Section 3(1) (m) of the Act)	Allotment of Alternate land Order: Dated : Attach documents (if Any)
5.	Land from where displaced without land compensation : (See Section 4(8) of the Act)	Area from displaced: Month/ Year of displacement: Agency which has displaced: Attach documents (if Any)
6.	Extent of land in forest villages, if any : (See Section 3(1) (h) of the Act) Any other traditional right, if any: (See Section 3(1) (l) of the Act)	Name of village in Forest/Old Habitation I/We the claimant request DLC to convert the above village into Revenue village as per the provisions of Forest Rights Act 2006. YES / NO Grant other traditional right enjoyed by the claimant since decades on forest land including the following : (Tick the Relevant) 1. Traditional places and Access to sacred trees, groves, burial, cremation grounds, Graveyard. 2. Devasthan / Temple / Masques / Shrines / Religiose and Spiritual Places; 3. Traditional Water Resources, lakes, springs, ponds, rivers and other water areas; 4. Tradition area covered by Trees for Sitting of Animals called (CHAAN (shadow) ADAAN/whatsoever the name ; 5. Right on routes to access to pastures / temporary Stay places on routes/Paths connecting nearby area/ villages/ common places of Forest communities such as Sports places/ Sitting Places / Wrestling areas ; Add other details (if any)

1.	Evidence in support: (See Rule 13) Any other information:	Evidences : As per Rule 13 (3) of FRA /Rules 2008, two or more evidences is adequate for the determination of forest rights.

S.No.	Name of the evidence	Department	Year
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Signature/Thumb Impression of the Claimant(s)

Name of other members in the family with age

(including children and adult dependents)

S.No.	Name of the family member	Age	Sex/ M/F	Relations

Statement of Elder (s)

Evidence under Section 13(i) FRA/Rules 2008

The Forest Rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

*****

Declaration

Under Section 13(i) of the Forest Rights Act/Rules 2008, I ....., son/daughter of ..... aged ....., residing at ..... Tehsil ..... District in Jammu and Kashmir, hereby make the following declaration:

1. I affirm that I am not a claimant to Forest Rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

2. I personally attest to the fact that I am acquainted with Mr./Mrs. ..... son/daughter of ....., aged ..... residing at ..... Tehsil ..... District ..... in Jammu and Kashmir. They, along with their ancestors, have been occupying the forest land situated in ..... Forest Beat No. ..... Forest Compartment No. ..... Khasra No..... Dhok/Behak ..... Tehsil ..... District ..... of Jammu and Kashmir for the past ..... years.

3. I am aware that Mr./Mrs..... and their family genuinely rely/ depend on the forests/forest lands for their bona fide livelihood needs.

I declare that the above statements are true to the best of my knowledge and belief. In support of the forest rights claim made by Mr./Mrs. ..... in Gram Sabha ..... I hereby submit this declaration as evidence under FRA Rules.

Witness Signature: _____
[Full Name
Parentage
Tehsil District

Witness Signature: _____
Full Name
Parentage
Tehsil District

Date: [Date] **Place: [Place]**

FORM – B CLAIM FORM FOR COMMUNITY RIGHTS
[See Rule 11(1)(a) and (4)]

S.No.	Name of Claimant (s)	(Attach List)
1.	(a) FDST community: (b) OTFD community:	Yes/NO Yes/No
2.	Village	
3.	Gram Panchayat	
4.	Tehsil	
5.	District Jammu and Kashmir	

Nature of community rights enjoyed:

1	Community rights such as nistar, if any (See Section 3(1)(b) of the Act)	(Tick the Relevant) 1. For biannual migration the Forest Department issues MATO/Seasonal Permit for grazing with route permit 2. Wajab -ul-Araz Land Record of Village provide Grazing Right over Land/ Forest Land 3. Grazing Rights 4. Land lease granted by Deptt of Forest 5. In some cases Pata/Gift Land by Raja/other 6. Court Order (if any) 7. Others (Attach COPY of the above document – if available) Write details (If Any)
1.	Rights over minor forest produce, if any: (See Section 3(1)(c) of the Act)	Grant right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries including the following (Tick the Relevant) 1. all non-timber forest produce of plant origin 2. medicinal plants and herbs, roots, tubers 3. honey, wax, lac, 4. stumps of trees,

<table>
<tr><td></td><td></td><td>5. cane,
6. cocoons
7. All the above
(Write details if any)</td></tr>
<tr><td>2.</td><td>Community rights (a) Uses or entitlements (fish, water bodies), if any: (b) Grazing, if any (c) Traditional resource access for nomadic and pastoralist, if any: (See Section 3(1)(g) of the Act)</td><td>Grant Grazing Rights :

Name of the Dhoks /Behak/ Adhan /Charand
In Summer
1.
2.
3.
4
In Winter Pastures /Grazing Areas
1.
2.
3.
4.
Name of Forests Beat No/
Forest Compartment No
Khasra Number
Revenue No (if any)

Route – Access to Grazing
Route / Journey Details
<table><tr><th>From</th><th>To</th></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr></table>Other Details(if Any)</td></tr>
<tr><td>3.</td><td>Community tenures of habitat and habitation for PTGs (See Section 3(1)(e) of the Act)</td><td>NOT APPLICABLE IN J&K
NO PTGs and pre-agricultural communities resides in J&K till date.</td></tr>
</table>

4.	Right to access biodiversity, intellectual property and traditional knowledge, if any: (See Section 3(1)(k) of the Act)	Grant rights of access to biodiversity to claimants to intact the community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity of Forests which is under use. Write other details (if Any)
5.	Other traditional right, if any: (See Section 3(1) (l)of the Act)	Grant other traditional right enjoyed by the claimant since decades on forest land including the following : (Tick the Relevant) 1. Traditional places and Access to sacred trees, graves, burial, cremation grounds, Graveyard. 2. Devasthan / Temple / Masques / Shrines / Religiose and Spiritual Places; 3. Traditional Water Resources, lakes, springs, ponds, rivers and other water areas; 4. Tradition area covered by Trees for Sitting of Animalscalled (CHAAN (shadow) ADAAN/ whatsoever the name ; 5. Right on routes to access to pastures/ temporary Stay places on routes / Paths connecting nearby area / villages / common places of Forest communities such as Sports places / Sitting Places / Wrestling areas; Add other details (if any)
6.	Evidence in support: (See Rule 13)	Evidences : As per Rule 13 (3) of FRA /Rules 2008, two or more evidences is adequate for the determination of forest rights.

S.No	Name of the evidence	Department	Year
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

7.	Any other information	Give Details :

Signature/Thumb Impression of the Claimant(s)

List of Claimants under Community Rights

S.No.	Name and Parentage of Claimant	Age	Sex Male/Female	Signature/Thumb Impression of the Claimant(s)

Statement of Elder (s)
Evidence under Section 13(i) FRA/Rules 2008

The Forest Rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

*****

Declaration

Under Section 13(i) of the Forest Rights Act/Rules 2008, I ....., son/daughter of ..... aged ....., residing at ..... Tehsil ..... District in Jammu and Kashmir, hereby make the following declaration:

1. I affirm that I am not a claimant to Forest Rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

2. I personally attest to the fact that I am acquainted with Mr./Mrs. ..... son/daughter of ....., aged ..... residing at ..... Tehsil ..... District ..... in Jammu and Kashmir. They, along with their ancestors, have been occupying the forest land situated in .....Forest Beat no. ..... Forest Compartment No. ..... Khasra No. ..... Dhok/Behak ..... Tehsil ..... District ..... of Jammu and Kashmir for the past ..... years.

3. I am aware that Mr./Mrs. ..... and their family genuinely rely/depend on the forests/forest lands for their bona fide livelihood needs.

   I declare that the above statements are true to the best of my knowledge and belief. In support of the forest rights claim made by Mr./Mrs. ..... in Gram Sabha ..... I hereby submit this declaration as evidence under FRA Rules.

Witness Signature: _____
[Full Name
Parentage
Tehsil District

Witness Signature: _____
Full Name
Parentage
Tehsil District

Date: [Date] **Place: [Place]**

FORM – C

CLAIM FORM FOR RIGHTS TO COMMUNITY FOREST RESOURCE

[See section 3(1) (i) of the Act and rule 11(1) and 4(a)]

1. Village / Gram Sabha:
2. Gram Panchayat:
3. Tehsil / Taluka:
4. District: Jammu and Kashmir
5. Name(s) of members of the gram sabha [A separate sheet, with status of Scheduled Tribes / Other Traditional Forest Dwellers indicated next to each member]. Presence of few Scheduled Tribes / Other Traditional forest Dwellers is sufficient to make the claim, is attached.

Resolution :

We, the residents of this Gram Sabha _____ Panchayat _____ Village _____ Tehsil _____ District _____ resolve that the area detailed below comprises our Community Forest Resource over which we are claiming recognition of our forest rights under section 3(1)(i).

3. (1) (i) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely: Rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

6. Khasra ..... Forest Compartment No.(s) .....
7. Bordering Villages:

   (i) (ii)

   (iii) (iv)

8. List of Evidence in Support (Please see Rule 13)

   1.

   2.

   3.

   4.

[Map of the community forest resource, showing location, landmarks within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities to which the community had traditional access and which they have been traditionally protecting, regenerating, conserving and managing for sustainable use, is attached.

Signature / Thumb impression of the Claimant(s):

S. No Name & Parentage Land recommended other Rights

S.No	Name & Parentage	Scheduled Tribe / Other Traditional Forest Dweller	Nature of Claim Individual Rights / Community Rights or Both	Rights on Minor Forest Produces Yes / No
				Yes/ NO

Chairman Secretary

FRC Gram Sabha (Name of Panchayat) Village ……..…… Tehsil ….....……
District …….. Jammu & Kashmir

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition Of Forest Rights) Act, 2006

**

Receipt of Claims submitted under FRA

Receipt Nature of Claim : Individual Right / Community Rights

1. Name of claimant Shri/Smt. ……

   Son of / W/o ……

   R/o …… Pachayat ……
   Tehsil …… District …… UT of J&K

2. Details of document received :-

   1) Form ..... Pages

   2) ST Certificate..... Pages

   3) Other documents ..... Pages

3. Evidences :- (Prior to 13 December 2005)

   1) Migration Permits.....

   2) Forest Department Documents .....

   3) Revenue Documents(if any) .....

   4) Other Government Documents.....

   5) Any other Certificate.....

Chairman / Secretary
Forest Rights Committee
Under FRA 2006

Name of Panchayat :

Village .....

Name of Tehsil.....

District .....

Dated :.....

SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

***

Receipt of Claims submitted under FRA

Receipt Nature of Claim : Individual Right / Community Rights

1. Name of claimant Shri/Smt ……
   Son of / W/o …… R/o …… Pachayat ……
   Tehsil …… District …… UT of J&K.
2. Details of document received :-
   1) Form …… Pages
   2) ST Certificate …… Pages
   3) Other documents …… Pages
3. Evidences :- (Prior to 13 December 2005)
   1) Migration Permits ……
   2) Forest Department Documents ……
   3) Revenue Documents (if any) ……
   4) Other Government Documents ……
   5) Any other Certificate ……

Chairman / Secretary

Forest Rights Committee

Under FRA 2006

Name of Panchayat :

Village……

Name of Tehsil ……

District ……

Dated : ……

INTIMATION LETTER TO SUB-DIVISION LEVEL COMMITTEE FOR FIELD VERIFICATION

****

Additional Deputy Commissioner / Sub Divisional Magistrate

Chairman Sub-Division Level Committee (FRA-2006)

Tehsil / Area .....

District..... Jammu & Kashmir

Subject : Verification of Forest Rights claims

Sir / Madam,

This letter serves to notify you, that in accordance with Section 11 (2)(iv) and 12 of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006/Rules 2008, that the Forest Rights Committee of this Panchayat will be initiating a verification process of forest rights claims submitted by the Claimants and the process will starts from ..... to ..... as per verification plan.

Accordingly, the Committee requests you that representatives from the concerned departments may be directed to remain present for the joint verification process along with relevant records on the aforementioned dates and provide assistance to the Gram Sabha as per FRA guidelines.

Please confirm participation of official enabling FRC to inform claimants well in advance.

Yours Faithfully

Name

Chairperson of FRC

Name

Secretary FRC

Signatures (with date &Seal)

Panchayat .....

Tehsil.....District.....

Letter issued on DATE /MONTH /YEAR .....

Copy to :

1. District Forest Officer (DFO), District.....

   (Get a Receipt on this letter from ADC/SDM office Receipt Section)

REMINDER TO SUB-DIVISION LEVEL COMMITTEE FOR FIELD VERIFICATION

****

Additional Deputy Commissioner / Sub Divisional Magistrate

Chairman Sub-Division Level Committee (FRA-2006)

Tehsil .....

District..... Jammu & Kashmir

Subject : First reminder -Verification of Forest Rights claims

Dear Sir/Madam,

Forest Rights Committee iswriting this first reminder letter in reference to our previous communication dated ..... regarding the verification of forest rights claims. As per the earlier intimation letter, the Forest Rights Committee (FRC) of our Panchayat will be conducting a verification process of forest rights claims submitted by the claimants will nowstarts from ..... to ..... .

The committee request that representatives from the concerned departments be directed to remain present for the joint verification process with relevant records on the aforementioned dates and provide assistance to the Gram Sabha as per FRA guidelines. This will enable the FRC to inform claimants well in advance about their presence for a smooth verification process.

The committee would appreciate it if you could confirm the participation of your official, enabling FRC to conduct the verification process smoothly.

Thank you for your attention to this matter.

Yours Faithfully

Name

Chairperson of FRC

Name

Secretary FRC

Signatures (with date & Seal)

Panchayat .....

Tehsil.....District.....

Letter issued on DATE /MONTH /YEAR .....

Copy to :

1. District Forest Officer (DFO), District.....

   (Get a Receipt on this letter from ADC/SDM office Receipt Section)

2ND REMINDER TO SUB-DIVISION LEVEL COMMITTEE FOR FIELD VERIFICATION

****

Additional Deputy Commissioner / Sub Divisional Magistrate
Chairman Sub-Division Level Committee (FRA-2006)
Tehsil .....
District.....
Jammu & Kashmir

Subject : Second & Final reminder for Verification of Forest Rights claims

Dear Sir/Madam,

This letter serves as the second and final reminder (as per FRA directives) regarding the verification of forest rights claims as per our previous communicationdated ..... and ....., the Forest Rights Committee (FRC) of our Panchayat will be conducting a verification process of forest rights claims submitted by the claimants from ..... to .....

The request that representatives from the concerned departments be directed to remain present for the joint verification process, along with relevant records, on the aforementioned dates and provide assistance to the Gram Sabha as per FRA guidelines. This will enable the FRC to inform claimants well in advance about their presence for a smooth verification process.

The committee urge you to confirm the participation of your official at the earliest, enabling the FRC to conduct the verification process smoothly. Your cooperation in this matter will be highly appreciated.

Thank you for your attention to this matter.

Yours Faithfully

Signatures (with date & Seal)

Name — Name

Chairman of FRC — Secretary FRC

Panchayat.....

Tehsil.....District.....

Letter issued on DATE /MONTH /YEAR .....

Copy to :

1. District Forest Officer (DFO), District.....
   (Get a Receipt on this letter from ADC/SDM office Receipt Section)

FIELD VERIFICATION PLAN

S.No.	Name & Parentage of Claimant	Claim Number	Date of Verification	Venue of Verification

INTIMATION LETTER TO CLAIMANTS FOR CLAIM VERIFICATION

****

To

_____ (Name of the Claimant)

_____ (Address of the Claimant)

Subject : Verification of Forest Rights Claims

Sir / Madam

According to the provisions stated in Section 11 (2)(iv) and 12 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, the Forest Rights Committee will be undertaking the verification process for the claims you have submitted on the specified date, which is yet to be determined.

We kindly request your presence on the designated date in the forest land for which the claim is being made. Your cooperation in the verification process is greatly appreciated.

Yours Faithfully

Name: Name:

Chairperson FRC Secretary, FRC/Seal

Forest Rights Committee ..... (Name of the Gram Sabha-Panchayat)

Name of the Village : _____

Tehsil : _____

District : _____

Date:

No.:

Individual Forest Rights Claims (Verification Form A)
By Forest Rights Committee Constituted by Gram Sabha
Under *Section 11 & 12 of - The Scheduled Tribes and Other Traditional Forest Dwellers*
(Recognition of Forest Rights 20006/ FR Rules, 2008)

Name of Gram Sabha …… **Village ……**
Tehsil …… District ..... Jammu and Kashmir

Field Verification of Individual - Forest Rights Claims" From A

Claim Application No. :		Other details :

Name(s) of the claimant (s) : (1)

Name :
Parentage :
Spouse Name :
Category : Scheduled Tribe / Other Traditional Forest Dwellers

Address	Forest Area
Village	Gram Sabha / Panchayat:
Tehsil	District Jammu & Kashmir
Nature of Claim:	Individual Rights (Form A)

(A) Enter details in the relevant column

S.No.	**Individual Claim**	**Forest Compt. No / Survey No. Land No / Jangal Name / Pasture Name / others**
1	Extent of forest land occupied a) for habitation b) for self-cultivation, if any: (See Section 3(1) (a) of the Act)	

Habitation	Kanal/Marla
House : Animal / Cow Shed / Badha: 1. Land for animal 2. Land for tree 3. Shadow /Tree area for animal sitting 4. Path 5. Devsthan 6. Graveyard 7. Land for Ritual 8. Other activities	

Cultivation :	Kanal/Marla
1. Land under occupation for Agricultural activities	

		2. Land for under occupation for Grass land (Rakh) 3. Land to tap natural resources Other details ;
2.	Disputed lands if any: (See Section 3(1) (f) of the Act) 3.	1. Case No: 2. Title of the Case: Attach documents (if Any) 3. Other details
3.	Pattas/ leases/ grants, if any: (See Section 3(1) (g) of the Act)	Details of Pattas/ leases/ grants Attach documents (if Any) Any other details:
4.	Land for in situ rehabilitation or alternative land, if any: (See Section 3(1) (m) of the Act)	Allotment of Alternate land Order: Dated: Attach documents (if Any)
5.	Land from where displaced without land compensation: (See Section 4(8) of the Act)	Area from displaced: Month/Year of displacement: Agency which has displaced: Attach documents (if Any)
6.	Extent of land in forest villages, if any: (See Section 3(1) (h) of the Act)	Name of village in Forest/ Old Habitation I/We the claimant request DLC to convert the above village into Revenue village as per the provisions of Forest Rights Act 2006. YES / NO
7.	Any other traditional right, if any: (See Section 3(1) (l) of the Act)	Grant other traditional right enjoyed by the claimant since decades on forest land including the following : (Tick the Relevant) 1. Traditional places and Access to sacred trees, groves, burial, cremation grounds, Graveyard. 2. Devasthan / Temple / Masques / Shrines / Religious and Spiritual Places; 3. Traditional Water Resources, lakes, springs, ponds, rivers and other water areas;

		4. Tradition area covered by Trees for Sitting of Animals called (CHAAN (shadow) ADAAN/whatsoever the name; 5. Right on routes to access to pastures / temporary Stay places on routes/Paths connecting nearby area/ villages/ common places of Forest communities such as Sports places/ Sitting Places / Wrestling areas; Add other details (if any

8.	EVIDENCES : The claimant has submitted the following proof/evidences in support of the claim Section 13 of FRA Rule 2007 :	
	(i)	
	(ii)	
	(iii)	
	(iv)	
	(V)	
	(VI)	
	The findings of the Forest Right Committee on Field Verification: 1. Physical attributes : (Grazing fields / Crop / bunds/ well/ Structure /Boundary etc) 2. evidences on the land : 3. Documents: 4. Other evidences: In case committee is not satisfied with Evidences write reasons :	
9.	**Findings about eligibility of claimants/community under the Act:** **(A) For Scheduled Tribe / OTFD claimants/Community:**	
	(1) (i) Have the claimants/community submitted proof of being Scheduled Tribe/ or Three Generation (75 years) habitation Proof in case of Other Traditional Forest Dwellers (non-ST) Whether the committee is satisfied. In case not satisfied on evidences write reasons:	Yes/No
	(2) (i) Are the claimants/ community depends on the forest or Forest land for bonafide livelihoods needs. In case not satisfied, write reasons :	Yes/No

10.		Findings of the Committee about eligibility: Considering the above, the claimants/Community are/ is eligible for grant of Forest rights under the Act	
	A B	Whether claimant was informed before Verification Physical verification Details :	Yes/No
		(ii) Claimants/ representative present (Names)	
		(iii) Forest Official (s) Present (Names) (in case present)	
		(iv) Revenue official (s) Present (Names) (in case present)	
11.		Whether FRC Received any objection on Claim during field verification	
		Name of Person who objected: Description of Objections (if any) :	
12		Other details Whether the Measurement done By Revenue Department	Yes/No
		Whether the Compartment/ Survey Done By Revenue Department	Yes/No
		Whether the Map of land under claim prepared	Yes/No
		Whether Boundary of land under claim are Marked on the ground by community / Govt or not	Yes/No
13.		**The findings and recommendation of the forest right committee**	
		Whether the Claimant (s) is/ are eligible for Rights under FRA If not eligible for Rights on Forest land, write Reasons :	Yes/No
14.		Whether FRC recommend the case to Gram Sabha and Next Committee If not write Reasons :	Yes/No

FRC Member Present on the Occasion

S.No	Name of Forest Right Committee Member /Designation	Signature
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

SUBMITTED BY

Chairperson (Name) Forest Right Committee Village SEAL	Member Secretary Forest Right Committee Village SEAL
Dated:	Place:

Individual Forest Rights Claims (Verification Form B)
VERIFICATION REPORT OF FOREST RIGHT COMMITTEE
CONSTITUTED BY GRAM SABHA
Under *Section 11 & 12 of - The Scheduled Tribes and Other Traditional Forest Dwellers*
(Recognition of Forest Rights 20006/ FR Rules, 2008)

Name of Gram Sabha …… **Village ……**
Tehsil …… District ..... Jammu and Kashmir

Claim Application No. :		Other details :

Name(s) of the claimants/ List of Claimant in case of community: Attach list

Name :
Parentage :
Spouse Name :
Category : Scheduled Tribe / Other Traditional Forest Dwellers

Address	Forest Area
Village	Gram Sabha / Panchayat:
Tehsil	District Jammu & Kashmir
Nature of Claim:	Community Rights

Enter details in the relevant column

S.No	Nature of Community Rights Enjoyed	Forest Compt. No / surveyed / Survey No. Land No / Jangal Name / Dhok Name / Behak Name / Pasture Name /	Area occupied (approximate in Kanals)	Other details if Any /
1	Community Rights : Community rights such as nistar, if any: (See Section 3(1) (b) of the Act)	(Tick the Relevant) 1. For biannual migration the Forest Department issues MATO/ Seasonal Permit for grazing with route permit 2. Wajab -ul-Araz Land Record of Village provide Grazing Right over Land/ Forest Land 3. Grazing Rights 4. Land lease granted by Deptt of Forest 5. In some casesPata/ Gift Land by Raja / other 6. Court Order (if any) 7. Others (Attach COPY of the above document – if available) Write details (If Any)		

2.	Community Rights : Rights over minor forest produce, if any: (See Section 3(1)(c) of the Act)	Grant right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries including the following (Tick the Relevant) 1. all non-timber forest produce of plant origin 2. medicinal plants and herbs, roots, tubers 3. honey, wax, lac, 4. stumps of trees, 5. cane, 6. cocoons 7. All the above (Write details if any)		
3.	(a) Uses or entitlements (fish, water bodies), if any:			
	(b) Grazing, if any	Grant Grazing Rights : Name of the Dhoks /Behak/ Adhan /Charand In Summer 1. 2. 3. 4 In Winter Pastures /Grazing Areas 1. 2. 3. 4. Name of Forests Beat No/ Forest Compartment No Khasra Number Revenue No (if any)		

<table>
<tr>
<td>*</td>
<td>(C) Traditional resource access for nomadic and pastoralist, if any:
(See Section 3(1)(g) of the Act)</td>
<td>Route – Access to Grazing Route / Journey Details
<table>
<tr><th>From</th><th>To</th></tr>
<tr><td></td><td></td></tr>
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</table>
Other Details (if Any)
Name of Water Bodies
Name of Dhoks
Name of Behaks
Name of Jangal
Name of Grazing Area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>(C) Community tenures of habitat and habitation for PTGs and pre-agricultural communities, if any: (See Section 3(1)(e) of the Act)</td>
<td>NOT APPLICABLE IN J&K
NO PTGs and pre-agricultural communities resides in J&K till date.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Right to access biodiversity, intellectual property and traditional knowledge, if any: (See Section 3(1) (k) of the Act)</td>
<td>Grant rights of access to biodiversity to claimants to intact the community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity of Forests which is under use.
Write other details (if Any)</td>
<td></td>
<td></td>
</tr>
</table>

6.	Other traditional right, if any: (See Section 3(1)(l) of the Act)	Grant other traditional right enjoyed by the claimant since decades on forest land including the following : (Tick the Relevant) 1. Traditional places and Access to sacred trees, graves , , burial , cremation grounds, Graveyard . 2. Devasthan / Temple / Masques / Shrines / Religiose and Spiritual Places; 3. Traditional Water Resources ,lakes, springs , ponds, rivers and other water areas; 4. Tradition area covered by Trees for Sitting of Animalscalled (CHAAN (shadow) ADAAN/whatsoever the name ; 5. Right on routes to access to pastures / temporary Stay places on routes /Paths connecting nearby area / villages/ common places of Forest communities such as Sports places/ Sitting Places / Wrestling areas ; Add other details (if any

6.	**EVIDENCES : The claimant has submitted the following proof/evidences in support of the claim under Section Rule 13 of *The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007)***	
	(i)	
	(ii)	
	(iii)	
	(iv)	
	(V)	
	(VI)	
	B	**The findings of the Forest Right Committee on Field Verification:** 1. Physical attributes : (Grazing fields / Crop / bunds/ well/ Structure /Boundary etc) 2. evidences on the land : 3. Documents: 4. Other evidences: If Committee is not satisfied by the evidences , write reasons :

7.	**Findings about eligibility of claimants/community under the Act:**		
	(A) For Scheduled Tribe / OTFD claimants/Community:		
	(1)	(i) Have the claimants/community submitted proof of being Scheduled Tribe/ or Three Generation (75 years) Proof in case of Other Traditional Forest Dwellers (non-ST) Whether the committee satisfied. In case not satisfied on evidences write a note here mention reasons :	Yes/No Yes/No
	(2)	Whether the claimants/ community depends on the forest or Forest land for bonafide livelihoods needs. In case not satisfied on evidences write a note here mention reasons	Yes/No
8.		Findings of the Committee about eligibility: Considering the above, the claimants/Community are/ is eligible for grant of Forest rights under the Act	
	A	Whether claimant was informed before Verification	Yes/No
	B	Physical verification Details :	
		(i) Claimants/ representative present (Names)	
		(ii) Forest Official (s) Present (Names) (in case present)	
		(iii) Revenue official (s) Present (Names) (in case present)	
9.		In case FRC Receives any objection on Claim during field verification Name of Person who objected: Description of Objections (if any) :	YES/NO
10		Other details Whether the Measurement done By Revenue Department	Yes/No
		Whether the Compartment/ Survey Done By Revenue Department	Yes/No
		Whether the Map of land under claim prepared	Yes/No
		Whether Boundary of land under claim are Marked on the ground by community	Yes/No

11.		**The findings and recommendation of the forest right committee** Whether the Claimant (s) are eligible for Rights under FRA If not eligible write Reasons :	Yes/ No
12.		Whether FRC recommend the case to Gram Sabha and Next Committee If not write Reasons :	YES/NO

FRC Member Present on the Occasion

S.No	Name of Forest Right Committee Member /Designation	Signature
1.		
2.		
3.		
4.		
5.		
6.		
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10.		
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12.		
13.		
14.		
15.		

SUBMITTED BY

Chairperson (Name) Forest Right Committee Village SEAL	Member Secretary Forest Right Committee Village SEAL
Dated:	Place:

PANCHNAMA FORMAT

1. Name of Claimant:
2. Name of the Spouse:
3. Category of Claimant:
    1. Forest Dwelling Scheduled Tribe:
    2. PrimitiveTribe:
    3. Nomadic:
    4. Other Traditional ForestDweller:
    5. Pastoralist:

Date of Form Submission to Gram Sabha:

Claim No.:

Nature of Claim:

Extent of Claim:

Location:

Documentary Evidences

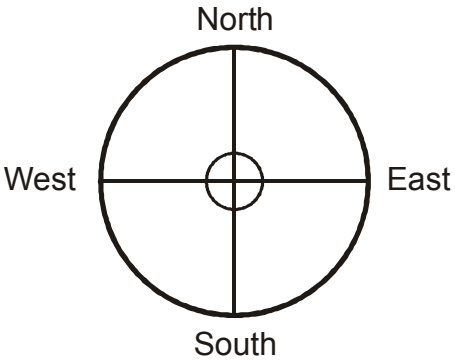
annexed with the Claim Form: 1.

2.

3.

4.

5.



Findings of Field Verification:

North

West

Map of land claimed by the claimant

East

South

Signature of Team Members present during verification:

(Date of verification)

PUBLIC NOTICE

Gram Sabha meeting to consider Forest Rights Claims

******

The verification process of Forest Rights Claims has been successfully concluded for those claimants who have submitted their claims to the Forest Rights Committee (FRC).

The next step in this process involves the consideration and approval/modification/rejection of these claims by the Gram Sabha, in accordance with Section 4 (c) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008. The Gram Sabha will carefully review each claim and make a decision based on the provided guidelines.

To ensure transparency and fairness, the Gram Sabha will provide a reasonable opportunity for interested individuals and relevant authorities to express their opinions on the claims. Following this, a resolution will be passed on the forest rights claims, and it will be forwarded to the Sub-Divisional Level Committee for further action.

Hence, all residents of age 18 or above are the member of the Gram Sabha to stay informed and participate actively in this crucial process as per following schedule:

1. Meeting Date :
2. Meeting Time :
3. Venue :

Name: Name:

Chairperson FRC Secretary, FRC/Seal

Forest Rights Committee ..... (Name of the Gram Sabha-Panchayat)

Name of the Village:_____

Tehsil:_____

District:_____

Date:

No.:

GRAM SABHA RESOLUTION

under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) Article 6(1)

*****

A meeting of Gram Sabha (Panchayat) ..... Village ..... Tehsil ..... District ..... Jammu and Kashmir was held on ..... (date) at ..... Place ..... and resolved hereunder :

1. That in order to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction , under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) anotice was issued by the Gram Sabha through Forest Rights Committee (FRC) on..... thereby invited claims from eligible claimants residing in the Gram Sabha.Copy enclosed,
2. In response to the notice total.....claims have been received from claimants by GS/ FRC under both individual right ..... and community forest rights category ..... , till the cut-off date.
3. That all the claims have been examined by the FRC and out of total claims .....number of claim found eligible for verification process.
4. That in light of Act and the rules the FRC fixed and announced a Schedule for physical verification of claims/ evidences, with an intimation to SDLC.
5. That the Forest Rights Committeefor consolidating and verifying the claims has conducted the physical verification process with due diligence. The FRC also verified the evidences provided by the forest dwellers in support of their claims under section 13 of the rules.
6. That after physical verification of claims / evidences, the Forest Rights Committee prepared a report on each claim which is annexed with this resolution.
7. That the report of FRC was presented to Gram Sabha for approval and further recommendation to SLDC for grant of Rights in favour of claimants under FRA.
8. That the Gram Sabha, affirm that full quorum was present when claims were discussed and recommended.
9. That we, the member of Gram Sabha / Panchayat confirm that all the claimants have been dependent on forest and forest producesand have been earning livelihood and sustenance from Forests.
10. As per the information provided by the Forest Rights Committee no member of FRC was a part of physical verification when his/ her own claim was discussed by the committee for grant of Rights.
11. The Gram Sabha recomends that Forest Dwellers communities/families require access to resources such as forest areas, water bodies, trails, graveyards, holy locations, shrines, and common areas on forest land, as well as non-timber minor forest products. Furthermore, the Forest Rights Committee discovered that the forest dwellers of this Panchayat have traditionally relied on these resources for their livelihoods, social and cultural life; as a result, it is hereby resolved that this Gramme Sabha recommends to the SLDC/ District Level Committee that claimants be granted rights to resources

such as forests, water bodies, paths, graveyards, religious places, shrines, and common places on the basis of claims..

12. We, the members of Gram Sabha, hereby recommend that under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 the rights of claimants may be recognise under 'Individual Rights' / Community Rights / Rights on Non Timber Forest Produces, as may be the case, and issue order in favour of..... claimants of this Panchayat.List of Claimant and other details .

Recommendation of Gram Sabha

S.No.	Name & Parentage	Scheduled Tribe/ Other Traditional Forest Dweller	Nature of Claim Individual Rights Community Rights or Both	Rights on Minor Forest Produces

Resolution of Gram Sabha Meeting Dated .....

(The requirement of 50% quorum for Gram Sabha meetings is necessary to ensure greater transparency and participation in decision-making. Rule 4(2) of the FR Rules also requires that of those present, at least one-third are women and at least 50% should be claimants/rights holders under FRA)

GRAM SABHA RESOLUTION

Diversion of Land for Public facilities Projects
under Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act, 2006 (FRA) Section 2

*****

A meeting of Gram Sabha (Panchayat) ..... Village ..... Tehsil ..... District ..... Jammu and Kashmir was held on ..... (date) at ..... Place ..... and resolved hereunder :

1. That in order to provide

1. That in order to provide facilities to public residing in the above panchayat the Forest Right Committee submitted aproposal to Gram Sabha for discussion and recommendation for diversion of Forest Land under Scheduled Tribes and OtherTraditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) Section 2.

2. The Forest Rights Committee informed Gram Sabha that as per FRA Section, Gram Sabha is empowered to recommend diver of land for (a) schools; (b) dispensary or hospital;(c) anganwadis; (d) fair price shops; (e) electric and telecommunication lines; (f) tanks and other minor water bodies; (g) drinking water supply and water pipelines; (h) water or rain water harvesting structures; (i) minor irrigation canals; (j) non-conventional source of energy; (k) skill up-gradation or vocational training centers; (l) roads; and (m) community centers:

3. Accordingly the Gram Sabha discussed the proposal of Forest Right Committee for .....
.....
.....
.....
.....

4. The aforementioned project or facility has already been approved under the scheme .....
.....
.....

5. The said work/ facility is essential for the area.

6. As per the Gram Sabha's examination, the proposed project or infrastructure does not require the cutting down of more than seventy-five trees per hectare (equivalent to 19.8 Kanal). Futher the the forest land to be diverted for the purposes mentioned above is less than one hectare (equivalent to 19.8 Kanal)

7. That the Gram Sabha, affirm that full quorum was present when claims were discussed and recommended.

We, the members of Gram Sabha, hereby recommend that under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recommend the diversion of Forest Land for the above mentioned work/ project/ Facility.

Signature of Gram Sabha

S.No.	Name & Parentage	Scheduled Tribe / Other Traditional Forest Dweller	Age (Not less than 18)	Signature / Thumb impression

Chairman Secretary

FRC Gram Sabha (Name of Panchayat) Village ……. Tehsil …….....

District …….. Jammu & Kashmir

A GRAM SABHA RESOLUTION / NOTICE TO UT LEVEL FOREST RIGHTS MONITORING COMMITTEE OF GOVT. AGAINST FOREST DEPARTMENT FOR ILLEGAL PLANTATION / FENCNING IN FORESTS USED BY COMMUNITY - UNDER FRA-2006

****

Date of resolution / notice .....

Subject : Gram Sabha resolution/notice to Govt. regarding illegal plantation/Fencing work carried out by Forest Department officials at (mention location/place .....

****

We are Gram Sabha members of [Panchayat ..... Village ..... Tehsil District ..... This Gram Sabha meeting is being convened on ..... at ..... in the presence of .....number of Gram Sabha members (50% on total population of a Panchayat having 18 or above age) with ..... (33% above Women) ..... (50% Claimant of their representatives) . This Gram Sabha is specially being convened to discuss and decide upon the issue of illegal plantationand Fencing by the Forest Department in the Forest area where.

NOTICE TO UT LEVEL MONITORING COMMITTEE UNDER FRA

The Gram Sabha also resolves to give notice to the UT Level Monitoring Committee (SLMC) to conduct an inquiry against Forest Department officials under section 8 of the FRA, 2006 read with Rule 10 (d) of FR Rules, 2008 – that reads

> 10. Functions of the State Level Monitoring Committee.- The State Level Monitoring Committee shall:(d) on receipt of a notice as mentioned in Section 8 of the Act, take appropriate actions against the concerned authorities under the Act;

Section 8 of the Forest Rights Act

> "FRA Section 8. No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority"

ISSUES FACED BY GRAM SABHA

We had filed Individual / Community forest rights (IFR/CRF) claims on Forest Land located in area ..... Forest area/Beat ..... Panchayat ..... Village ..... Tehsil ..... District ..... in the year ..... which was recognized/ still pending before / SDCL/ DLC office ..... for recognition of the right. We are dependent on the community forest land for non timberminor forest produce/ Grazing and as such forest are important for our survival and livelihood. The forests are also of vital importance to our cultural and spiritual identity and survival. On ..... specify date), Forest Department officials started digging the land under claim within the jurisdiction of our Gram Sabha. When they were asked about the purpose of digging the land, we were told that the land will be used for plantation of trees.

No consent from Gram Sabha

The forest official has taken no consent from our Gram Sabha for this plantation/ fencing, and therefore it is a violation of Forest Right Act, 2006. The concerned officers of Forest Department are liable to be charged under provisions of SC/ST Prevention of Atrocities Act (POA), 1989 as well as IPC for preventing the use of community forest land and resources by doing illegal plantation, the use of force and verbal abuse against our Gram Sabha members. The Gram Sabha is of the view that the Forest Department officials are liable for action under the relevant laws, including Section 7 and 8 of the FRA, 2006 and Section 3 of the POA Act, 1989.

Therefore, this Gram Sabha resolves that illegal action of the Forest Department related to plantation of trees / fencing and abuse against the rightsholders under FRA should cease immediately, failing which the Gram Sabha will take all necessary legal action open to it, including filing an FIR against the concerned officials under POA Act,1989.

It is further resolved that a copy of this Resolution should be sent to the State Level Monitoring Committee, Office of the Hon'ble Lt. Governor, Office of the Chief Secretary, Office of the Administrative Secretary Forests / Office of the Administrative Secretary Panchayati Raj, Office of the Administrative Secretary Tribal Affairs with a copy to Dy Commissioner ....., Secretary, Ministry of Tribal Affairs, Government of India,New Delhi requiring necessary action on their behalf to stop illegal tree plantation / Fencing and take necessary disciplinary action against the forest department officials responsible for these illegal actions.

Resolution of Gram Sabha Meeting Dated .....

(The requirement of 50% quorum for Gram Sabha meetings is necessary to ensure greater transparency and participation in decision-making. Rule 4(2) of the FR Rules also requires that of those present, at least one-third are women and at least 50% should be claimants/rights holders under FRA)

S.No.	Name & Parentage	Gender Male/Female	Age	Signature / Thumb impression

Signature Signature

Name : Name

Chairman / Seal Secretary/Seal

FRC Gram Sabha (Name of Panchayat) Village ..... Tehsil .....
District ..... Jammu & Kashmir

NAME AND SIGNATURES/THUMB IMPRESSIONS OF GRAM SABHA MEMBERS PRESENT AND VOTING:

Chief Secretary

Chairman

UT Level Monitoring Committee, for Forest Rights Act 2006

Jammu & Kashmir

Civil Secretraite, Jammu / Srinagar

Subject : Notice issued under Sec. 8 to the State Level Monitoring Committee for conducting proceedings against violations under Sec. 7 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA 2006).

Dear Sir/Ma'am,

We the members of Forest Right Committee write to you for and on behalf of Gram Sabha ..... village ..... Tehsil ..... Distrct ..... of Jammu and Kashmir that our Gram Sabha as mandated by its resolution on..... copy Annexed with great concern and grievance to draw your attention to a matter that that requires your urgent perusal and action. Provide a brief outline of the incident/ situation).

This is to bring to your kind notice that Officials of Forest department has started a digging/ fencing the Forest land claimed by resident of Gram Sabha under Forest Right Act 2006.

The Gram Sabha request you to intervene as per Act and restore back the land to Garam Sabha and take actions against the concerned officials who are violating, Section 7 of FRA 2006, Section 3 of Scheduled Tribes and Scheduled Castes (Prevention of Atrocities) Act, 1989 (POA Act, 1989) as well as Indian Penal Code (IPC) and also other laws.

Therefore, 60 (sixty) days notice is hereby issued to the UT LevelMonitoring Committee under Sec. 8 of the Forest Rights Act to take cognizance of acts mentioned above of the above-stated officials which constitute an offense under Sec. 7 of the Forest Rights Act for violations of the above stated sections of the Forest Rights Act and Rules and various provisions of the Constitution and other laws to conduct an inquiry into the conduct of the concerned department officials:

Write name of the official and their department:

1.
2.
3.
4.
5.

Yours Faithfully

1. President of Gram Sabha
2. Secretary of Forest Rights Committee

Copy sent to:

1. UT Level Monitoring Committee (SLMC);
2. Administrative Secretary Department of Forests, Jammu and Kashmir Civil Secretariat Jammu/ Srinagar.
3. Administrative Secretary Department of Tribal Affairs, Jammu and Kashmir, Civil Secretariat Jammu/ Srinagar.
4. Office of the Principal Secretary to Hon'ble Lt. Governor, J&K Raj Bhawan, Jammu/Srinagar
5. District Collector (Deputy Commissioner),
6. Chief Conservator of Forests, Forest Department, Jammu / Kashmir at Jammu / Srinagar,
7. Project Officer - Integrated Tribal Development Agency (PA-ITDA),
8. Secretary Union Ministry of Tribal Affairs (MoTA), Government of India, New Delhi

SUBMISSION OF CLAIMS - LETTER TO CHAIRMAN SUB DIVISION LEVEL COMMITTEE

Under - the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

****

Additional Deputy Commissioner / Sub Divisional Magistrate

Chairman Sub-Division Level Committee (FRA-2006)

Tehsil .....

District..... Jammu & Kashmir

Subject : Submission of Forest Rights claims under section 12(3) Forest Rights Act – Rules 2008

Dear Sir/Madam,

Kindly find enclosed here with claims passed by Gram Sabha ..... Village ..... Tehsil ..... District ..... of Jammu and Kashmir for onwards submission to District Level Committee for approval. It includes Form A/B/C with Evidences, ST Certificate (if applicable), Verification Report of FRC, Notices issued by of Gram Sabha/ FRC from Time to Time, Resolutions of Gram Sabha on Claims/ others with other relevant documents The details are as under :

S.No.	Type of Claim	No of Claims	Pages
01.	Claims Under Individual Rights (Form A)		
02.	Claims under Community Rights (Form B)		
03.	Claim under Right to Community Forest Resources Form C		
04.	Total Claims		

You are as such requested to expedite the process to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded.

Yours Faithfully

Name : Name :

President of FRC : Secretary FRC :

Signatures (with date &Seal)

Panchayat.....

Tehsil.....District.....

Letter issued on DATE /MONTH /YEAR .....

Copy to :

1. District Forest Officer (DFO), District.....

INTIMATION LETTER TO CLAIMANT REGARDING CLAIM

To

_____ (name of claimant)

_____ (Adress)

Subject : Regarding Your Claim

Dear Sir/Madam,

We are writing to inform you that your claim (No: _____) for the grant of forest rights, submitted to the Forest Rights Committee, was reviewed by the Gram Sabha on _____. After careful consideration, the Gram Sabha has suggested the following documents strengthen to your claim (please tick the relevant option):

1. Provide additional evidence under Rule 13 of the FRA-Rules 2008 to substantiate your claim.
2. Justify the area you claimed in your Claim Form.
3. Submit a map of your claim.
4. The documents provided by you were illegible and could not be reviewed.
5. Please provide the following documents:

   [_____]

   Write Reasons : Please provide any specific issues

You are requested to justify your claim along with the required modifications and supporting documents within the 60 days timeframe.

Yours Faithfully

Name :

Chairperson FRC

Forest Rights Committee .....

Name :

Secretary, FRC/Seal

(Name of the Gram Sabha-Panchayat)

Name of the Village:_____

Tehsil:_____

District:_____

Date:

No.:

INTIMATION LETTER TO CLAIMANT - REGARDING REJECTION OF CLAIM

****

To

_____ (name of claimant)

_____ (Adress)

Subject : Rejection of Your Claim

Dear Sir/Madam,

We are writing to inform you that your claim (No: _____) for the grant of forest rights, submitted to the Forest Rights Committee, was reviewed by the Gram Sabha on _____. After careful consideration, we regret to inform you that your claim has been rejected.

The ground for rejection was :

1. The Gram Sabha was not satisfied/ agreed on evidences submitted you under Rule 13 of the FRA-Rules 2008 to substantiate your claim .
2. The documents provided by you does not show you illegibility for grant of Forest Rights in your favour.

[Please provide the reasons for rejecting the claim in detail, including any specific issues or discrepancies identified during the review process.]

If you have any disagreement with the above decision of Gram Sabha you may approach to Chairman Sub-Division Level Committee (Add. Deputy Commsionor / SDM of your area within 60 days.

Yours Faithfully

Name:

Chairperson FRC

Name:

Secretary, FRC/Seal

Forest Rights Committee .....

(Name of the Gram Sabha-Panchayat) .....

Name of the Village:_____

Tehsil : _____

District : _____

Date:

No.:

PETITION LETTER TO CHAIRMAN SDLC ON REJECTION OF CLAIM BY GRAM SABHA UNDER SECTION 6 (2) OF THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

****

The Chairperson, Sub-Divisional Level Committee-FRA

Additional Deputy Commissioner / Sub Division Magistrate

_____

Sub.: Petition under section 6 (g) the Act-Rules 2008.

Dear Madam/Sir,

I am writing to bring to your attention the following petition:

1) I had submitted a claim (No: _____) for the grant of forest rights in my favour to the Forest Rights Committee of the Panchayat _____ Village _____ Tehsil _____, District _____ of Jammu & Kashmir. This claim was reviewed by the Gram Sabha on _____.

2) On _____(date), the Forest Rights Committee (FRC) informed me that my claim has been rejected by the Gram Sabha during its meeting held on _____. Copy of the order is enclosed.

3) The grounds for rejection were as follows:

4) The petitioner, in accordance with section 6 (2) of the Act is submitting this petition to Sub Division Level Committee through Chairman to challenge the Gram Sabha's rejection.

THE PETITION IS AS FOLLOWS:

5) The petitioner is a resident of village [_____], belonging to the [_____]. As a forest dweller, the petitioner fulfills all the eligibility criteria for the grant of rights on forests and forest land, as outlined in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

6) The Gram Sabha has misrepresented the issue and concealed relevant facts that were presented to them.

7) That the Section 4(5) of the Forest Rights Act of 2006 explicitly states that no forest-dwelling Scheduled Tribe or other traditional forest dweller can be evicted or removed from the forest land they occupy until the recognition and verification process is completed. This clause provides absolute protection against any eviction without first addressing their forest rights.

8) That in accordance with the Forest Rights Act 2006 and Rules 2008, the petitioner possesses the necessary evidence as prescribed in Rule 13.

9) As a member of the forest dwellers community, the petitioner, along with their family and animals, has relied on the forests for generations to sustain their genuine livelihood needs. However, the petitioner's rights have not been properly recorded.

Other Grounds are as under:

Therefore, exercising the right to file a petition, I respectfully request the DLC to consider granting the following relief:

1) Kindly issue a stay on the Order of Gram Sabha dated [_____].

2) Please grant the petitioner the Forest Rights based on the aforementioned grounds and recommend the case of petitioner to District Level Committee with recommendation to grant Forest Rights in my favour.

Signature / Thumb impression

Name of Petitioner :

Name of Panchayat :

Village:

Tehsil :

District :

Jammu & Kashmir

Place :

Dated :

PETITION LETTER TO CHAIRMAN DLC ON REJECTION OF CLAIM BY GRAM SABHA UNDER SECTION 6 (2) OF THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

****

The Chairperson, Divisional Level Committee-FRA

Deputy Commissioner

_____

Sub.: Petition under section 6 (g) the Act-Rules 2008.

Dear Madam/Sir,

I am writing to bring to your attention the following petition:

1. I had submitted a claim (No: _____) for the grant of forest rights in my favour to the Forest Rights Committee of the Panchayat _____ Village _____ Tehsil _____, District _____ of Jammu & Kashmir. This claim was reviewed by the Gram Sabha on _____.
2. On _____(date), the Forest Rights Committee (FRC) informed me that my claim has been rejected by the Gram Sabha during its meeting held on _____. Copy of the order is enclosed.
3. The grounds for rejection were as follows:

4. The petitioner, in accordance with section 6 (2) of the Act, approached the Sub Division Level Committee in order to challenge the Gram Sabha's rejection. The petitioner submitted the enclosed petition to the Committee Chairman to stall the proceeding of Gram Sabha.
5. However, the Sub Division Level Committee (SLDC) upheld the Gram Sabha's decision datyed _____ and rejected the petitioner's plea.
6. For reference, this petitioner has included a copy of the SLDC order.
7. In light of the SLDC's decision, I now submit a petition before the District Level Committee (DLC) under section 6 (4) of the Act.

THE PETITION IS AS FOLLOWS:

1) The petitioner is a resident of village [_____], belonging to the [_____]. As a forest dweller, the petitioner fulfills all the eligibility criteria for the grant of rights on forests and forest land, as outlined in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
2) The Gram Sabha has misrepresented the issue and concealed relevant facts that were presented to them.
3) That the Section 4(5) of the Forest Rights Act of 2006 explicitly states that no forest-dwelling Scheduled Tribe or other traditional forest dweller can be evicted or removed from the forest land they occupy until the recognition and verification process is completed. This clause provides absolute protection against any eviction without first addressing their forest rights.
4) That in accordance with the Forest Rights Act 2006 and Rules 2008, the petitioner possesses the necessary evidence as prescribed in Rule 13.
5) As a member of the forest dwellers community, the petitioner, along with their family and animals, has relied on the forests for generations to sustain their genuine livelihood needs. However, the petitioner's rights have not been properly recorded.

Other Grounds are as under:

Therefore, exercising the right to file a petition, I respectfully request the DLC to consider granting the following relief:

1) Kindly issue a stay on the **decision** of Gram Sabha date _____ and the Order of SLDC dated [_____].
2) Please grant the petitioner the Forest Rights based on the aforementioned grounds.
3) The DLC may to constitute a committee comprising officers who can thoroughly investigate the matter and provide a report on the issues raised. This will allow the petitioner an opportunity to present evidence and substantiate their claim on the Forest land.
4) Grant Rights to the petioner as per the directive of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Signature / Thumb impression

Name of Petitioner :

Name of Panchayat :

Village:

Tehsil :

District :

Jammu & Kashmir

Place:

Dated:

Chairman

District Level Committee on Forest Right Act

Deputy Commissioner

Kathua

Subject: Rejoinder to Appeal dated 11/11/2022 - against Rejection of Forest Rights Claim against order of Sub Division Level Committee Billawar, Kathua

Sir

The claimant has submitted an appeal to Chairman District Level Committee kathua against the order of Sub Division Level Committee Billawar, Kathua on 11/11/2022 . I am submitting a rejoinder the my earlier appeal .

The appeal is as under :

1. Under Forest Right Act 2006 , I have filed a claim for grant of rights on Forest land including grazing / agriculture land occupied by the claimant under individual rights under FRA Rules 11(1) (a).
2. The Forest Right Committee and Government Official have recommended my case for grant of rights under FRA.
3. The Gram Sabha of Panchayat /village Najote Tehsil Lohai Malhar Direct Kathua

   after due consideration, recommended the case to the Sub-Division Level Committee as per FRA 2006 , has passed a resolution in favor of claimant on 10/12/2021.
4. The Gram Sabha recommendation was submitted Sub-Division Level Committee Billawar, Kathua and the committee has rejected the claim of the claimant on 23/03/2022 . The said communication was conveyed to Chairman Forest Right Committee Panchayt /Village Najote , Tehsil Lohai Malhar, Kathua on 10/11/2022.
5. The claimant has filed an appeal against SLDC order dated 23/03/2022 to Chairman District Level Committee on 11/11/2022 and challenged the rejection of claim based on the plea of SLDC that **'there was no agriculture land or structure found in the area as per satellite imagery from 2005'.**
6. First and foremost, the claimant would like to draw your attention to Section 13 of the Forest Rights Act 2006, specifically sub-section (1), which clearly outlines the evidence that should be considered for the determination of forest rights. This section encompasses a wide range of documents and physical attributes that can serve as evidence, including government records, maps, physical improvements made to the land, quasi-judicial and judicial records, research studies, and more.
7. **It is crucial to note that the rejection of the claim solely based on satellite imagery from 2005 contradicts the Forest Rights Act and its provisions.**
8. Satellite imagery alone cannot provide a comprehensive assessment of the land and structures within the area. Moreover, it is essential to acknowledge that the coverage of Google Maps, which is often used as a reference for satellite imagery, was incomplete in 2005 and was not covering the whole earth as per history of Google earth. Therefore, relying solely on this limited data source undermines the intent and spirit of the Forest Rights Act 2006.
9. Section 13 of the Forest Rights Act clearly states **that more than one evidence** should be considered for determining forest rights. It is imperative to consider a range of evidence beyond satellite imagery to make a fair and accurate decision.

10. The claimant has provided other forms of evidence, such as physical attributes made to the land and any other documents available that demonstrate their rights and entitlements.

Grounds for Appeal:

Under Section 13 of the Forest Right Rules 2008, the claimant has provided several pieces of evidence that clearly establish his occupation and rightful ownership of the land in question. The grounds for this appeal are as follows:

1) **Revenue Documents:** The claimant has submitted copies of the Girdawari documents for the years 1987, 2004, and 2009. These official revenue records clearly indicate the claimant's occupation and cultivation of the land in question over an extended period. These documents provide irrefutable evidence of his long-standing presence on the land.

2) Statements of Elders: The claimant has gathered statements from respected elders of the community as per FRA Rules 13 who can attest to his continuous occupation of the land. These statements carry significant weight as they reflect the collective knowledge and memory of the community. The elders' statements provide further support to the claimant's rightful ownership.

3) **Statements of Chowkidars:** The claimant has also obtained statements from chowkidars of the village who have been responsible for monitoring the land in question. These individuals have affirmed the claimant's long-term presence, as well as his investment in improving and maintaining the land. Their statements serve as reliable testimony to the claimant's occupancy.

4) **Physical Attributes and Permanent Improvements:** The claimant has made substantial investments in the land, including the construction of a house, huts, and other permanent structures. Additionally, he has undertaken significant land improvements such as levelling, bunds, check dams, and tree plantation. These physical attributes and permanent improvements clearly demonstrate that claimant is occopent of the land in question.

Based on the aforementioned grounds, it is evident that the claimant possesses a strong case for the grant of forest rights. The evidence provided under Section 13 of the Forest Right Rules 2008 is both substantial and conclusive. The claimant request you to review the order of Sub Division Level Committee rejection Order date 23/03/2022 and grant Rights under Forest Right Act 2006.

Yours Faithfully

Gami S/o Gulam Hussain

Panchayat /village Najote Tehsil Lohai Malhar

Direct Kathua

Dated:

REPLY TO EVICTION NOTICE OF FOREST DEPARTMENT

The DFO ,.....
The Range Officer .....

Subject : Reply to the Notice titled : Illegal Construction / Encroachment of Forest Land in Comptt No/ area..... .....- regarding

Sir,

This has reference to your office letter / Notice No ..... dated ..... issued by (Officer) ..... whereby your office has alleged that the answering respondent (applicant) has illegally encroached forest land in Comptt No/area ..... and violated IFA 1927.

In above pretext, I contest your notice on following grounds :

1. That the answering respondent (applicant) has not violated any Act or law refereed hereinabove in your notice,
2. That applicant is a member of tribal (ST) / Forest Dwelling community and being a Forest Dweller applicant is entitled for grant of Forest Rights under FRA -2006. (The ST Certificate is enclosed for reference).
3. That the applicant is totally dependent on the forests or forest lands for bona fide livelihood needs.
4. That the applicant is occupant a piece of forest land from generations together but the rights could not be recorded in favour applicant on the said land under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;
5. That the applicant possess required record / evidence as warranted under Section 13 of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 for determination of my forest rights includes Government records, forest records, physical attributes such as huts and permanent improvements made to land including levelling, bunds etc.
6. That under Article 13 of FRA I am enclosing following evidences :

   1) .....
   2) .....
   3) .....
   4) ST Certificate (in case of STs)

   Further, in addition to above land records I have a number of other evidences which records my rights on the land.
7. That my claim on forest land is yet to be decided by the three Committees, that are Gram Sabha/ SDL Committee and DL committee formed by the government under Forest Right Act 2006.
8. That under Section 4(5) of the Forest Rights Act 2006 which is very specific and provides that *'no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from the forest land under his occupation till the recognition and verification procedure is complete'*. This clause is of an absolute nature and excludes all possibilities of eviction of forest dwelling Scheduled Tribes or other traditional forest dwellers without settlement of their forest rights.

9. That the Section 4(1) of Forest Right Act has the effect of recognizing and vesting forest rights in eligible forest dwellers. Therefore, no eviction should take place till the process of recognition and vesting of forest rights under the Act is complete..

10. That under SC/ST Atrocities Act -Article 3 (g) wrongfully dispossesses a member of a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights is considered a punishable offences atrocity.

11. As per section 13 (CHAPTER VI MISCELLANEOUS) of the Forest Right Act 2006, this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force including India Forest Act 1927, hence applicant has not violated the IFA 1927 as alleged.

12. That I am facing a lot of hardship due wrongfully attempts of evection and to day to day interference by the officials of forest department.

In pretext of above I request you to direct the concerned officers not to trespass in the above land till I may get the title of the land under my occupation under Forest Right Act 2006.

Yours Faithfully

Name .....
Parentage .....
R/o Forest Compartment / Area.....
Village ..... Tehsil District .....
UT of J&K

Enclosed : Attested copies of Evidences

Dated:

Divisional Forest Officer
Sindh Forest Division
Ganderbal (J&K)

Subject : Reply to Notice dated 08/02/2023 regarding Evictions of unauthorised Occupation of Forest Land located in Compartment No: 18 (a) Mbl Beat Kachanabal

Sir,

This has reference to a Notice No 01/DFO Sindh/2023/Eviction Notice dated 08/02/2023 issued by DFO Sindh whereby your office has alleged that late Mian Yaseen S/o Ahmed ji of KachanabalKangan - who was father-in-law ofanswering respondent (applicant) has illegally encroached forest land located in compartment No : 18 (a) Mbl BeatKachanabaland thereby violated Indian Forest Act- 1927.

In above pretext, I contest your notice on following grounds :

1. Thatlate Mian Yaseen S/o Ahmed ji of Kachanabal Kangan - who was father-in-law of answering respondent (applicant) died in 1989 and he is survived by a daughter namely Mrs. Zabeeda Begum and she is wife of answering respondent (applicant).
2. That the answering respondent being Son in Law is the legal hire of late Mian Yaseen S/o Ahmed ji of KachanabalKangan and the said land for which a notice is issued by your department is under my occupation since decades.
3. That the answering respondent (applicant) has not violated any Act / rule refereed hereinabove in your notice.
4. That the applicantis a member of tribal (ST) / Forest Dwelling community and being a Forest Dweller applicant is entitled for grant of Forest Rights under FRA -2006. (The ST Certificate is enclosed for reference).
5. That the applicant is totally dependent on the forests or forest lands for bona fide livelihood needs and applicant has submitted my claim on the Forest land to FRC of the area under Forest Right Act 2006.
6. That the applicant is occupant the said piece of forest land from decades but the rights could not be recorded in favour applicant on the said land under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;
7. That the applicant possesses required record / evidence as warranted under Section 13 of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 for determination of my forest rights includes Government records, physical attributes such as old trees and permanent improvements made to land including levelling, bunds etc.
8. That under Rule 13 of FRA I am enclosing followingevidences:
   1) State Subject
   2) Ration Card
   3) Voter List
   4) ST Certificate (in case of STs)
   5) Aadhar Card
   6) Undertaking of two elders under Rule 13 of FRA

Further, in addition to above land records I have a number of other evidences which records my rights on the land.

9. That my claim on forest land is yet to be decided by the three Committees, that are Gram Sabha/ SDL Committee and DL committee formed by the government under Forest Right Act 2006.

10. That under Section 4(5) of the Forest Rights Act 2006 which is very specific and provides that

    'no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from the forest land under his occupation till the recognition and verification procedure is complete'.

    The above clause is of an absolute nature and excludes all possibilities of eviction of forest dwelling Scheduled Tribes or other traditional forest dwellers without settlement of their forest rights.

11. That the Section 4(1) of Forest Right Act has the effect of recognizing and vesting forest rights in eligible forest dwellers. Therefore, no eviction should take place till the process of recognition and vesting of forest rights under the Act is complete..

12. That under SC /ST Atrocities Act -Article 3 (g) wrongfully dispossesses a member of a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights is considered a punishable offences atrocity under the Act.

13. As per section 13 (CHAPTER VI MISCELLANEOUS) of the Forest Right Act 2006, this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force including India Forest Act 1927, hence applicant has not violated the IFA 1927 as alleged.

14. That I am facing a lot of hardship due wrongfully attempts of evection and to day to day interference by the officials of forest department.

In pretext of above I request you to direct the concerned officers not to trespass in the above land till I may get the title of the land under my occupation under Forest Right Act 2006.

Yours Faithfully

Name : Abdul Ghani (Bajran)
Son in law of Mian Yaseen
R/o KachanbalKangan
Compartment No : 18 (a) Mbl Beat
Kachanabal Tehsil Kangan District
Ganderbal

Dated:

Enclosed : Attested copies of Evidences

Principal Chief Conservator of Forests
Department of Forests
Govt of Jammu and Kashmir
Jammu

Subject : Grant Grazing Route, gate entry, permission to stay animal in Bada (temp shed inside)

Sir,

The appeal is as under :

1. That applicant is a member of tribal (ST) / Forest Dwelling community and being a Forest Dweller applicant is entitled for grant of Forest Rights under FRA -2006. (The ST Certificate is enclosed for reference).
2. That the applicant is totally dependent on the forests or forest lands for confide livelihood needs.
3. That the applicant is occupant a piece of forest land from generations together but the rights could not be recorded/confer in favour applicant on the said land under Scheduled Tribes and Other Traditional Forest Dwellers(Recognition of Forest Rights) Act, 2006;
4. That the applicant possess required record / evidence as warranted under Section 13 of Scheduled Tribes and Other Traditional Forest Dwellers(Recognition of Forest Rights) Rules, 2007 for determination of my forestrights includes Government records, forest records, physical attributes such as huts and permanent improvements made to land including leveling, bunds etc.That under Article 13 of FRA I am enclosing following evidences :
   1) ST Certificate
   2) Girdawari 2004
   3) Girdawari 1998
   4) physical attributes (Pakka Shed for Animal)
   5) leveling land for Bajra Cultivation
   6) Forest Department NOC year 2011
5. My family has been evicted from the forest and Fencing was erected in the area in March –April 2022;
6. That I have approached Chief Conservator of Forest with the application dated March 9, 2022 for grant of route to graze animals
7. After verification from DFO / field staff I was asked by DFO Jammu to construct a gate in between the fencing on route for grazing of animal in 28/01/2023.
8. That I according , constructed a gate in presence Forest officers , gaurds (Namely Surnder/ Subash and Waseem) ;
9. The said
10. I was grazing my goats with the Ajhari (Shepherd laborer) later the field staff has evicted me from the land gate was later locked for me by the same field staff;
11. The same land was grant to a local Bakkarwal namely Kalla for grazing of his sheep and goats without any permit and there no evidence that he ever was a grazer of the area which was under my occupation :

12. That under Section 4(5) of the Forest Rights Act 2006 which is very specificand provides that

'no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from the forest land under his occupation till the recognition and verification procedure is complete'

Appeal:

1) Kindly restore back the grant my grazing land to me ;

2) Issue order to open gate for grazing of land , provide route for my animals to graze under the Forest Rights Act 2006 with a permission to stay of animal in my temporary shed where my animal were living before fencing in 2022;

3) As said being a member of the local community, I and my family have been dependent on the forest for my livelihood for generations. Grazing my animals in the forest is an essential part of my livelihood and provides me with the means to support my family.However, due to recent restrictions on access to the forest, I am facing significant difficulties in maintaining my animals. This has not only affected my livelihood but also poses a threat to the welfare of my animals.

4) As a responsible animal owner, it is my duty to ensure that my animals have access to adequate grazing land, and the forest provides the perfect environment for this.

5) The Forest Rights Act 2006 recognizes the rights of forest-dwelling communities, including the right to use and access forest resources for livelihood purposes. I am therefore appealing to you to grant me a route for my animals to graze in the forest as per the provisions of the Act.

I assure you that I and my family will adhere to all the rules and regulations set by the forest department while grazing my animals. I understand the importance of conservation and preservation of the forest and its resources and will take all necessary precautions to ensure that my animals do not cause any harm or damage to the forest.'

I kindly request you to consider my appeal and grant me the necessary permission to allow my animals to graze in the forest and stay in my existing temporary sheds in the area. This would not only be a great help to me and my family but also ensure that the traditional way of life of our community is preserved.

Yours Faithfully

Name : Anayat Ali
S/o Jewan R/o Upper Ploura, Jammu
Grazing in Forest Compartment
/ Area Telki Beat ; Khasra No 1189

Dated : 15/03/2023

The DFO Jammu

The Range Officer Bahu, Jammu

Subject: Reply to the Show Cause Notice dated 12/07/2023

Sir,

This has reference to your office letter / Notice No EO/JFF /2311-15 dated 12/07/2022 whereby your office has alleged that the answering respondent (applicant) has illegally occupied forest land falling in Comptt No 02 Bahu near Raika Nalla of Bahu Forest Range. You also explained the ground of illegal violation of various sections/ provisionst of Indian Forest Act 1927.

In above pretext, I contest your notice on following grounds :

1. That the answering respondent (applicant) has not violated any Act or law refereed hereinabove in your notice,
2. That applicant is a member of tribal (Scheduled Tribe) community and being a Forest Dweller applicant is entitled for grant of Forest Rights under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 (The ST Certificate is enclosed for reference).
3. That the applicant is dependent on the forests or forest lands for bona fide livelihood needs.
4. That the applicant is occupant a piece of forest land from generations together but the rights /title could not be granted in favour applicant on the said land under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, till date;
5. That the applicant possess required record / evidence as warranted under Section 13 of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 for determination of my forest rights includes Government records, forest records, physical attributes such as huts and permanent improvements made to land including levelling, bunds etc.
6. That under Article 13 of FRA I am enclosing following evidences :
    1) Electricity Receipt 1992
    2) Naqal Khasra Girdawari 2001
    3) State Subject
    4) ST Certificate (in case of STs)

    Further, in addition to above land records I have a number of other evidences which records my rights on the land.
7. That my claim on forest land is yet to be decided by the three Committees , that are Gram Sabha /SDL Committee and DL committee formed by the government under Forest Right Act 2006 .A copy of my claim form is attached with this reply for reference.
8. That under Section 4(5) of the Forest Rights Act 2006 which is very specific and provides that 'no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from the forest land under his occupation till the recognition and verification procedure is

complete'. This clause is of an absolute nature and excludes all possibilities of eviction of forest dwelling Scheduled Tribes or other traditional forest dwellers without settlement of their forest rights.

9. That the Section 4(1) of Forest Right Act has the effect of recognizing and vesting forest rights in eligible forest dwellers. Therefore, no eviction should take place till the process of recognition and vesting of forest rights under the Act is complete..

10. That under SC /ST Atrocities Act -Article 3 (g) wrongfully dispossesses a member of a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights is considered a punishable offences atrocity.

11. As per section 13 (CHAPTER VI MISCELLANEOUS) of the Forest Right Act 2007, this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force including India Forest Act 1927, hence applicant has not violated the IFA 1927 as alleged.

12. That I am facing a lot of hardship due wrongfully attempts of evection and to day to day interference by the officials of forest department.

In pretext of above I request you to direct the concerned officers not to trespass in the above land till I may get the title of the land under my occupation under Forest Right Act 2006.

Yours Faithfully

Name : Abdul Hanief S/o Siraj Din

R/o Forest Compartment 03 Bahu near Raika Nalla of Bahu Forest Range.

Village Raika Tehsil : Bahu District Jammu

UT of J&K

Enclosed : copies of Evidences / ST certificate / claim receipt Dated:

The Secretary,
District Legal Services Authority,
Jammu, Jammu & Kashmir

Subject: Request for providing Legal Assistance to Protect Forest Rights and Livelihood

Respected Madam,

The application as under :

1. I am a permanent resident of Village Upper Palora, District Jammu, belonging to the Scheduled Tribe Gujjar Community.
2. As a pastoralist, I depend on rearing animals for my livelihood.
3. With the extension of the Forest Rights Act 2006 to Jammu and Kashmir in 2019, I became eligible for the rights associated with the forests in the region.
4. My family and I have been traditionally grazing animals in Khasra No. 1189, within the Forest Beat TELKI area of Roop Nagar Forests, from as far back as 1900 up to the year 2022.
5. However, in 2022, the Forest Department took actions that have severely impacted my livelihood and my rights. Despite my rightful claim to the forest area under Forest Beat TELKI, the department demolished my hut and Gowkhana in early 2022, which were located within the forest. Furthermore, the Forest Department fenced off the area in Forest Beat TELKI, preventing me from accessing the forest to earn my livelihood.
6. These actions have caused considerable hardship to me and my family, as we are being denied the opportunity to engage in our traditional practices that sustain our livelihood. I believe that my rights under the Forest Rights Act 2006 have been violated, and I am seeking legal assistance to remedy this situation.
7. I request for your kind assistance in obtaining legal representation / Advocate for the protection of my forest rights under Forest Rights Act 206 and livelihood dependent on Forest.

I very kindly request your esteemed office to provide me with an advocate who can represent my case in the Court of Law at Jammu. The advocate's expertise in forest rights and community rights will be crucial in asserting my rightful claims and ensuring that justice is served.

Yours faithfully,

Anayat Ali

S/o Jewan R/o Paloura, Jammu North

Grazing in Beat TElki Forest of Roop Nagar.

Dated: 22/08/2023

J&K FOREST PRODUCE POLICY 2022 : ANALYSES AND SUGGESTIONS

The government of Jammu and Kashmir has recently notified an important Policy for sustainable collection and utilization of Non-Timber Forest Produce (NTFP). The said policy was launched by J&K Forest Department in December 2022 with the objective to extend livelihood support for the people residing in and around forests, by promoting maintainable extraction, value addition and development of market linkages.

Definition of NTFP

The Non-Timber Forest Products (NTFP), is mainly defined as fiber, fodder, food, medicinal plants, construction, fire wood (Non-Timber) honey, wax, lac, herbs, roots, tubers and other minor forest materials related to forests. The list of NTFP is mainly prepared by the Ministry of Tribal Affairs which is the national nodal agency in implementation of Forest Right Act 2006 across India. such lists differ from state to state, area to area. In FRA the NTFP is defined under the category of minor forest produce (MFP).

The Minor forest produce plays an important role in boosting the tribal economy of the communities dependent upon forests for livelihood. In J&K around 02 million people are dependent on NTFPs. The Forests are the critical component for the sustenance of tribal communities. In J7K the Gujjars, Bakkarwals, Gaddis and Chopans are living in or dependent on forests.

Importance of NTFP Policy

The first ever NTFP policy of J&K is a landmark reform towards the sustainable collection and utilization of forest produce that will enhance the livelihood opportunities of the forest dependent communities including tribal.

Further, the main objectives of the policy was to promote in-situ conservation of the NTFP through the active participation of forest dwelling communities. It further aimed to support the livelihood of local communities and facilitate value addition, value chain, creation and developing market linkages by the Forest Department in collaboration with J&K Rural Livelihood Mission, Department of Tribal Affairs and Mission Skill Development.

The policy was designed to facilitate conservation and development of medicinal plants in natural forests engaging local communities to contribute. The policy is all set to encourage and form co-operatives at village level for non-destructive harvesting, processing and marketing of medicinal plants and other species having commercial value with a view to augmenting their income.

Legal side of the Policy

The Policy is extremely surprising in terms of its 'legal framework'. It is broadly based on 'Biological Diversity Act-2002', and 'Indian Forest Act-1927' instead the 'Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act in 2006 whereunder the union Ministry of Tribal Affairs (MOTA) has launched a number of Central Scheme related to NTFP.

The J&K'S NTFP policy 2022, draws its power of governing/ execution from the 'Biological Diversity Act-2002'. The said Act is dealing with preservation of biological diversity and provides a mechanism for equitable sharing of benefits of traditional biological resources and knowledge only while the NTFP term is very comprehensive one which accumulates dozens of other items not covered under medicinal plant / biological resources.

Apparently, there are a few mentions of Forest Right Act 2006 in the policy document but in its implemental/operational part, the policy gets all the power from 'Biological Diversity Act-2002'. The policy says that implementing agencies should ensure that no provision of Indian Forest Act, 1927 and the Biological Diversity Act, 2002 are not violated and observed in letter and spirit but ignored Forest Right Act 2006 which, as per legislation, is in addition to these two Acts.

Implementation of Policy

Further, as per the 'operational framework' of the said Policy, the sustainable collection and utilization of NTFP will be facilitated through 'Biodiversity Management Committees', to be constituted in near future, under 'Biological Diversity Act-2002', within the jurisdiction of a local body or a panchayat in J&K. These committees, as per act, are empowered to collect levy charges on the biological resources accessed or collected from their jurisdiction for commercial purposes. And as per the policy, the committees will establish a "Conservation Fund" and shall use the collected money for conservation and promotion of Biodiversity in the said area. But on the other hand in rest of the states/UTs the traditional collector of forest produces are the sole owner of their collections and the Gram Sabha/Forest Rights are empowered to give permit to transports NTFP under Forest Rights Act 2006.

Role of JK Forest Department

The Forest department, as per policy, is going to play a main role of facilitative agency whereby, the collectors and traders could now get the resources authenticated/labelled from them. The Policy furthers reads that NTFP traders will register their depot under J&K Forest Produce (Sale and Registration of Depot) rules, 2020. It also says that NTFP will be transported as per the procedures, governed by J&K Forest Produce (Transit) Rules 2020.

Under the said policy, the Forest Department is now going to to notify the areas that can be taken up for sustainable collection and utilization of specific NTFP for the year 2023-24.

The said JK NTFP policy also gives importance to J&K Forest Produce (Transit) Rules 2020 for transportation of NTFP besides as per policy, the J&K Forest Corporation, is now empowered to provide an electronic platform for the NTFP aggregators and Traders, for trade of NTEP.

NTFP in other States of India

In rest of India, the NTFP Policy and its implementation is largely conducted under Forest Rights Act-2006. The states of India are guided by the Ministry of Tribal Affairs with regard to NTFP with regard to making lists of NTFP, permissions, rules and inter-state transportations etc.

For example, the Government of Orissa passed an order on 31st March 2000 vesting the Gram Panchayats (GPs) the authority to regulate the purchase, procurement and trade so that the primary gatherers get a 'fair price for the NTFPs gathered by them'.

Govt. of Andhra Pradesh has started procurement of Non-Timber Forest Produce (NTFP) collected by the tribal for the Socio-economic upliftment of STs residing in the State.

NTFP & TRIFED / Van Dhan Yojana

Under MOTA, on 14th April, 2018, the Prime Minister of India Narendra Modi has launched 'Van Dhan Scheme' with the aim to improve tribal incomes through value addition of tribal products.

The said scheme is implemented in entire India by TRIFED which is working across India with the basic mandate of bringing about socio-economic development of tribals of the country by institutionalizing the trade of Minor Forest Produce (MFP).

TRIFED's MSP for MFP & VanDhan program is in line with the "The Scheduled Tribes and Other Traditional Forest Dwellers (**Forest Rights Act, 2006**)" and monitored by Ministry of Tribal Affairs.

Presently, the TRIFED's MSP for MFP & VanDhan program is operational eight districts of J&K includes Rajouri, Poonch, Reasi, Kishtwar, Shopian, Anantnag, Bandipora and Ganderbal with the support of Union Ministry of Tribal Affairs.

The Van Dhan programme is operational in maximum States/UTs of India in almost 307 Districts including a few districts from Jammu and Kashmir. As per data of MOTA with collection and sale of MFPs contribute 40 – 60% of tribal annual earnings and further "Value Addition" helps in tripling or quadrupling their income.

Forest Right Act & NTFP

The Forest Rights Act-2006, in comparison to 'Biological Diversity Act-2002' covering almost all the aspects related to minor forest produces (NTFP) and gives the rights to forest dwelling communities to collect, use, manage besides rights of ownership and dispose of NTFP which has been traditionally collected by them under FRA-2006.

'Forest Right Act-2006' which was extended to J&K in 2019 through Reorganisation Act-2019 provides a complete procedures for best implementation and management of Minor Forest Produces monitered by Ministry of Tribal Affairs. The MOTA has asked the all State /UT Governments to ensure that the forest rights relating to MFPs be given as per Section 3(1) (c) of Forest Rights Act-2006 which grants right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries. And section 2(i) of the Act defines the term "minor forest produce" to include "all non-timber produce of plant origin. MOTA under FRA further impressed upon State /UT Governments to end the monopoly of the Forest department and its Corporations in the trade of MFP. The Act gives forest right holders or their cooperatives/federations full freedom to sell such MFPs to anyone or to undertake individual or collective processing, value addition, marketing, for livelihood within and outside forest area by using locally appropriate means of transport.

The Forest Act 2006 directives says that imposition of any fee/charges/royalties on the processing, value addition, marketing of MFP collected individually or collectively by the cooperatives/federations of the rights holders would also be ultra vires of the Act (FRA-2006). The FRA 2006 gives powers to Gram Sabha /Forest Right Committees (already exists in the entire UT of J&K) to issue transit permits with regard to transportation NTFP.

In 2013-14 with an objective of providing a fair price to NTFP gatherers, enhancing their income level and ensuring sustainable harvesting of MFPs, a Scheme for MSP for MFP and development of value chain was started by the Ministry of Tribal Affairs (MoTA). It established a framework for ensuring fair prices for the tribal gatherers, primary processing, storage, transportation etc. while ensuring the sustainability of the resource base.

Suggestions

In respect of NTFP, J&K must adopt the model of other states of India to implement the policy otherwise it will be unable to take benefits of various schemes worth hundreds of crores launched by the Ministry of Tribal Affairs (MOTA) across India.

"The Scheduled Tribes and Other Traditional Forest Dwellers (**Forest Rights Act, 2006**)"- a key forest legislation passed for securing protection and livelihood of poor tribals, so the policy related to sustainable collection and utilization of Non-Timber Forest Produce (NTFP)" is required to be based on the

said legislation. It will also help UT of J&K to govern, regulate and execute various issues related to NTFP stands already approved under Forest Right Act 2006.

Further, Forest department may start some initiative for empowerment and strengthening of local institutions such as Gram Sabha/FRC instead of constitution of new Bio Diversity Committees across UT for implementation of NTFP for livelihood under the policy, and help FRCs/ Tribal and other Forest dwellers to establish primary cooperative societies and encourage procurement agencies for NTFP like other states of India.

In addition to above, the forest Department may implement necessary legal provisions with regard to protection and conservation of forests. A comprehensive list of NTFP with a restricted quantity to extract, be prepared and publish on priority. Further, JK Forest Department should make scientific names of species mandatory in all official communications and reports so as to avoid confusion, overlapping in the scheme and to give priority to collectors belonging to below poverty line population in view of their dependence on the NTFP resources.

FOREST RIGHTS ACT
EVICTION AND FENCING ISSUES

On the occasion of 'International Day of Forests' held on 21st March 2022, while addressing Forests Officers of Jammu and Kashmir, Lieutenant Governor, Manoj Sinha stressed upon the importance of ensuring the rights for livelihood on forest land to traditional forest dwellers who have been residing in the nature's lap for generations, cautioning that such rights must not be infringed upon. He further said that the historic implementation of Forest Rights Act in the UT of J&K under the leadership of the Prime Minister Narendra Modi has benefitted a large population of our tribal brothers dependent on forests.

For the last one year the Forest Rights Act 2006 is actively under implementation in Jammu and Kashmir. It took 14 years' long wait for the tribal and other forest dwellers to file their claims for recognition of their rights on the forest lands, though they have been the inhabitants of forests for centuries and are wholly and solely dependent on forests for livelihood.

As per the government data available, around 2300 claims have been settled by the authorities during the past few months, majority of them being community claims. As many as 23000 claims are pending before different committees including the Forest Rights Committee/ Gram Sabha/ Sub-Divisional Level Committee and District Level Committees.

During the awareness programmes at different places, it is mostly found that the FRA's vision of implementation has not been followed on the ground in its true spirit.

By now, evacuation, Forest fencing, plantation without consent of Gram Sabha and violation of Forest Rights Act / Supreme Court decisions are the main issues being faced by Tribal and Other Forest Dwellers.

Evictions – is it Violations of SC order/FRA?

Forceful eviction of Tribal and other forest Dwellers from Forests are in violation of the provisions of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. It also goes against the Supreme Court order of February 2019, staying evictions of all forest dwellers from their lands in a case titled Wildlife First Vs. Union of India (35782/2019).

Under Section 4(5) of the FRA which is very specific and provides that 'no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from the forest land under his occupation till the recognition and verification procedure is completed' in all respects. This clause is of an absolute nature and excludes all possibilities of eviction of forest dwelling Scheduled Tribes or other traditional forest dwellers without settlement of their forest rights.

The Section 4(1) of FRA is about recognizing and vesting forest rights on eligible forest dwellers. Therefore, under the said section, no eviction should take place till the process of recognition and vesting of forest rights under the Act is complete.

In conjunction with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013, FRA protects the tribal population from eviction without rehabilitation and re-settlement/ relocations of their habitats.

The Act further empowers 'Gram Sabha' to restrict any agency for any destructive practices, affecting the resources or cultural and natural heritage of the tribal.

Thus, the Act empowers the forest dwellers to access and use the forest resources in the manner that they were traditionally accustomed to, protect, conserve and manage forests, protect forest dwellers from unlawful evictions and also provides for basic development facilities for the community of forest dwellers to access facilities of education, health, nutrition, infrastructure etc.

Is eviction punishable?

The SC/ST (Prevention of Atrocities) Act, 1989 (Extended to J&K in 2019) protects the tribal people against eviction. The section 3(1)(g) of the law explicitly states that "[to] wrongfully dispossess a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interfere with the enjoyment of his rights, including 'forest rights' over any land or premises or water or irrigation facilities or destroy the crops or take away the produce there from" is an atrocity under the Act. Section 3(1)(f) also criminalises the "wrongful" transfer of land that is owned by or under the possession of an SC or ST, and such wrongful transfer includes through the fabrication of records.

Forest fencing is against FRA?

Evictions in the name of fencing or any sought of fencing that disturbs the forest dwellers contrary to the Forest Rights Act 2006. The legislation recognises forest people's role in conservation and legally enshrines community forest rights, customary land rights and rights of indigenous communities to protect and manage forests.

The Gram Sabha is vested with the responsibility under section 4(e) and (f) to constitute Committees for the protection of Forests, wildlife, biodiversity etc from amongst its members, through fencing. In order to carry out the provisions of Section 5 of the Act, monitoring and controlling the committee constituted under clause (e) by Gram Sabha shall prepare a conservation and management plan for community forest resources in order to sustainably and equitably manage such community.

Further, the legislation recognises forest people's role in conservation and legally enshrines community forest rights, customary land rights and rights of indigenous communities to protect and manage forests.

Fencing of Forests is underway and many incidents of carrying out forcible fencing/plantations in lands claimed under FRA without mandatory consent from Gram Sabha, negate the Act.

Is Gram Sabha Consolation mandatory?

As per FRA, the approval/ recommendation of Gram Sabha is essential for each activities that occur in respect of Forest land or resources located in its jurisdiction including managing forestlands, resources, Minor Forest Produces and protecting them.

It provides that no activity should be carried out in these forests until individual and community claims over the forest land have been settled. The Forest department and other officials are bound to take permission from the Forest Rights Committee/ Gram Sabha while entering the areas (under claim) where tribal are residing.

As per Article 6 of FRA the Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction.

The "Gram Sabha" is defined in FRA article 1 (g), constituting a village assembly consisting of all adult members of a village or a Panchayat or hamlet. It is the highly empowered body in the Forest Rights Act, enabling the tribal population to have a decisive say in the determination of rights of the tribal and other forest dwellers on the Forest land and resources.

The FRA clearly states that the Gram Sabha is the supreme body in deciding the claims under the legislation.

At a number of places it was observed that the Gram Sabha members and the officials of implementing agencies and public representatives are totally unaware about the powers and functions of Gram Sabha under FRA. They don't know that in four-tier committees constituted to implement Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, In addition to above, the members of Gram Sabha also enjoy the rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use. Earlier these issues were addressed by the Forest Department. But now the officials of the department are not ready to recognise their protection, generation and preservation rights, thereby violating the Forest Rights Act.

Further, Gram Sabha recommendation is a pre-condition for any diversion of land or any clearance of developmental projects like schools, dispensaries, hospitals anganwadis, fair price shops, electric and telecommunication lines, tanks and other minor water bodies, drinking water supply and water pipelines, water or rain water harvesting structures, minor irrigation canals, non-conventional sources of energy, skill up-gradation or vocational training centers, roads and community centers, etc.

Forest Rights Act, 2006

सत्यमेव जयते

भारत का राजपत्र

An Act to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

WHEREAS the recognised rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwellings Scheduled Tribes and other traditional forest dwellers;

AND WHEREAS the forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem;

AND WHEREAS it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions. BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

Short Title and Commencement

1. (1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

   (2) It extends to the whole of India except the State of Jammu and Kashmir.

   (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires,-

   (a) "community forest resource" means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access;

(b) "critical wildlife habitat" means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of section 4;

(c) "forest dwelling Scheduled Tribes" means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands for *bona fide* livelihood needs and includes the Scheduled Tribe pastoralist communities;

(d) "forest land" means land of any description falling within any forest area and includes unclassified forests, undermarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;

(e) "forest rights" means the forest rights referred to in section 3;

(f) "forest villages" means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of *taungya* settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government;

(g) "Gram Sabha" means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women;

(h) "habitat" includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;

(i) "minor forest produce" includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like;

(j) "nodal agency" means the nodal agency specified in section 11;

(k) "notification" means a notification published in the Official Gazette;

(l) "prescribed" means prescribed by rules made under this Act;

(m) "Scheduled Areas" means the Scheduled Areas referred to in clause (l) of article 244 of the constitution;

(n) "sustainable use" shall have the same meaning as assigned to it in clause (o) of section 2 of the Biological Diversity Act, 2002;

18 of 2003

(o) "other traditional forest dweller" means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for *bona fide* livelihood needs.

Explanation – For the purpose of this clause, "generation" means a period comprising of twenty-five years.

40 of 1996

(p) "village" means –

(i) a village referred to in clause (b) of section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; or

(ii) any area referred to as a village in any State law relating to Panchayats other than the Scheduled Areas; or

(iii) forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not; or

(iv) in the case of States where there are no Panchayats, the traditional village, by whatever name called;

53 of 1972

(q) "wild animal" means any species of animal specified in Schedules I to IV of the Wild Life (Protection) Act, 1972 and found wild in nature.

CHAPTER II

FOREST RIGHTS

3. (1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:-

(a) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;

(b) community rights such as *nistar*, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;

(c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;

(d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;

(e) rights including community tenures of habitat and habitation for primitive tribal groups and preagricultural communities;

(f) rights in or over disputes lands under any nomenclature in any State where claims are disputed;

(g) rights for conversion of *Pattas* or leases or grants issued by any local authority or any State Government on forest lands to titles;

(h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;

(i) rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;

(j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any State;

(k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;

(l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;

(m) right to *in situ* rehabilitation including alternative land in cases where the Scheduled Tribes or other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.

(2) Notwithstanding anything contained in the Forest (Conservation) 69 of 1980 Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:-

(a) schools;

(b) dispensary or hospital;

(c) anganwadis;

(d) fair price shops;

(e) electric and telecommunication lines;

(f) tanks and other minor water bodies;

(g) drinking water supply and water pipelines;

(h) water or rain water harvesting structures;

(i) minor irrigation canals;

(j) non-conventional source of energy;

(k) skill up-gradation or vocational training centers;

(l) roads; and

(m) community centers:

Provided that such diversion of forest land shall be allowed only if,-

(i) the forest land to be diverted for the purposes mentioned in this subsection is less than one hectare in each case; and

(ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.

CHAPTER III

RECOGNITION, RESTORATION AND VESTING OF FOREST RIGHTS AND RELATED MATTERS

4. (1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in–

(a) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;

(b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3.

(2) The forest rights recognised under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely:-

(a) the process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration;

(b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat;

(c) the State Government has concluded that other reasonable options, such as, co-existence are not available;

(d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;

(e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;

(f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package;

Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.

(3) The recognition and vesting of forest rights under this Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any State or Union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled Tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.

(4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.

(5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

(6) Where the forest rights recognised and vested by subsection (1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such land shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.

(7) The forest rights shall be conferred free of all encumbrances and procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' and 'compensatory afforestation' for diversion of forest land, except those specified in this Act.

(8) The forest rights recognised and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.

5. The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act are empowered to -

(a) protect the wild life, forest and biodiversity;

(b) ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;

(c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;

(d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

CHAPTER IV

AUTHORITIES AND PROCEDURE FOR VESTING OF FOREST RIGHTS

6. (1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.

(2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level Committee shall consider and dispose of such petition.

Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(3) The State Government shall constitute a Sub-Divisional Level Committee to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.

(4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition:

Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional level Committee:

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level Committee.

(6) The decision of the District Level Committee on the record of forest rights shall be final and binding.

(7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.

(8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the department of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a women, as may be prescribed.

(9) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions shall be such as may be prescribed.

CHAPTER V

OFFENCES AND PENALTIES

7. Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made thereunder concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees:

Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

8. No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.

CHAPTER VI

MISCELLANEOUS

9. Every member of the authorities referred to in Chapter IV and every other officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

10. (1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.

    (2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

    (3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

11. The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorised by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.

12. In the performance of its duties and exercise of its powers by or under this Act, every authority referred to in Chapter IV shall be subject to such general or special directions, as the Central Government may, from time to time, give in writing.

13. Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

14. (1) The Central Government may; by notification, and subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

    (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all any of the following matters, namely:-

        (a) procedural details for implementation of the procedure specified in section 6;

        (b) the procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest rights under sub-section (1) of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section (2) of that section;

        (c) the level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the

District Level Committee and the State Level Monitoring Committee under sub-section (8) of section 6;

(d) the composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section (9) of section 6;

(e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in on session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

K.N. CHATURVEDI,
Secy. to the Govt. of India.

COMPREHENSIVE TRIBAL RULES

(TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i) OF DATED 1st JANUARY, 2008)

With Amendments on 6th September 2012

GOVERNMENT OF INDIA
MINISTRY OF TRIBAL AFFAIRS

New Delhi, the 1st January, 2008

NOTIFICATION[1]

G.S.R. No. 1(E) WHEREAS the draft of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 were published, as required by sub-section (1) of Section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) under the notification of the Government of India in the Ministry of Tribal Affairs number G.S.R. 437 (E), dated the 19th June 2007 in the Gazette of India, Part II, Section 3, sub-section (i) of the same date, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which the copies of the Gazette containing the said notification are made available to the public;

AND WHEREAS the copies of the said Gazette were made available to the public as on 25.06.2007.

AND WHEREAS the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sub-sections (1) and (2) of Section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the Central Government hereby makes the following rules for recognizing and vesting the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers residing in such forests, namely:-

1. **Short title, extent and commencement.-**

   (1) These rules may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007[2].

   (2) They shall extend to the whole of India except the State of Jammu and Kashmir.

   (3) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.-**

   (1) In these rules, unless the context otherwise requires,-

   (a) "Act" means the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);

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1 Note: The symbol *"#" represents* the original formulation of Rules issued in 2007 and notified on January 1, 2008; and has also been reproduced for easy reference.

2 Note that these Rules have been substantially amended by the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

(b) "bona fide livelihood needs" means fulfilment of livelihood needs of self and family through exercise of any of the rights specified in sub-section (1) of Section 3 of the Act and includes sale of surplus produce arising out of exercise of such rights;'[3]

(c) "claimant" means an individual, group of individuals, family or community making a claim for recognition and vesting of rights listed in the Act;

'(ca) "community rights" means the rights listed in clauses (b), (c), (d), (e), (h), (i), (j), (k) and (l) of sub-section (1) of Section 3.[4]

(d) "disposal of minor forest produce" under clause (c) of sub-section (1) of Section 3 shall include right to sell as well as individual or collective processing, storage, value addition, transportation within and outside forest area through appropriate means of transport for use of such produce or sale by gatherers or their cooperatives or associations or federations for livelihood;

Explanation:

(1) The transit permit regime in relation to transportation of minor forest produce shall be modified and given by the Committee constituted under clause (e) of sub-rule (1) of rule 4 or the person authorized by the Gram Sabha,

(2) This procedural requirement of transit permit in no way shall restrict or abridge the right to disposal of minor forest produce,

(3) The collection of minor forest produce shall be free of all royalties or fees or any other charges'[5]

(e) "Forest Rights Committee" means a committee constituted by the Gram Sabha under rule 3;

(f) "section" means the section of the Act

(2) The words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

2A. Identification of hamlets or settlements and process of their consolidation.- The State Government shall ensure that, -

(a) every panchayat, within its boundaries, prepares a list of group of hamlets or habitations, unrecorded or unsurveyed settlements or forest villages or taungya villages, formally not part of any Revenue or Forest village record and have this list passed by convening Gram Sabha of each such habitation, hamlets or habitations included as villages for the purpose of the Act through a resolution in the Panchayat and submit such list to Sub Division Level Committee.

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3 Substituted by Rule 2(1) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 2(1) (b) "bonafide livelihood needs" means fulfillment of sustenance needs of self and family through production or sale of produce resulting from self-cultivation of forest land as provided under clauses (a), (c) and (d) of sub-section (1) of Section 3 of the Act;

4 Inserted by Rule 2(ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

5 Substituted by Rule 2(iii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 2(1)(d) "disposal of minor forest produce" under clause (c) of sub-section (1) of Section 3 of the Act shall include local level processing, value addition, transportation in forest area through head-loads, bicycle and handcarts for use of such produce or sale by the gatherer or the community for livelihood;

(b) the Sub-Divisional Officers of the Sub Division Level Committee consolidate the lists of hamlets and habitations which at present are not part of any village but have been included as villages within the Panchayat through a resolution, and are formalised as a village either by adding to the existing village or otherwise after following the process as provided in the relevant State laws and that the lists are finalised by the District Level Committee after considering public comments, if any.

(c) on finalisation of the lists of hamlets and habitations, the process of recognition and vesting of rights in these hamlets and habitations is undertaken without disturbing any rights, already recognized.[6]

3. Gram Sabha.-

(1) The Gram Sabhas shall be convened by the Gram Panchayat and in its first meeting it shall elect from amongst its members, a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee, wherein at least two-third members shall be the Scheduled Tribes.[7]

Provided that not less than one-third of such members shall be women:

Provided further that where there are no Scheduled Tribes, at least one-third of such members shall be women.

(2) The Forest Rights Committee shall decide on a chairperson and a secretary and intimate it to the Sub-Divisional Level Committee.

(3) When a member of the Forest Rights Committee is also a claimant of individual forest right, he shall inform the Committee and shall not participate in the verification proceedings when his claim is considered.

(4) The Forest Rights Committee shall not reopen the forest rights recognized or the process of verification of the claims already initiated before the date of coming into force of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendments Rules, 2012.[8]

4. Functions of the Gram Sabha.-

(1) The Gram Sabha shall -

(a) initiate the process of determining the nature and extent of forest rights, receive and hear the claims relating thereto;

(b) prepare a list of claimants of forests rights and maintain a register containing such details of claimants and their claims as the Central Government may by order determine;

(c) pass a resolution on claims on forest rights after giving reasonable opportunity to interested persons and authorities concerned and forward the same to the Sub-Divisional Level Committee;

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6 *Inserted by Rule 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)*

7 Substituted by the words of Rule 4(a) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 3 (1) ".....wherein at least one-third members shall be the Scheduled Tribes"

8 Inserted by Rule 4 (b) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

(d) consider resettlement packages under clause (e) of sub-section (2) of Section 4 of the Act and pass appropriate resolutions; and

(e) Constitute Committees for the protection of wildlife, forest and biodiversity, from amongst its members, in order to carry out the provisions of Section 5 of the Act.

(f) monitor and control the committee constituted under clause (e) which shall prepare a conservation and management plan for community forest resources in order to sustainably and equitably manage such community forest resources for the benefit of forest dwelling Scheduled Tribes and other Traditional Forest Dwellers and integrate such conservation and management plan with the micro plans or working plans or management plans of the forest department with such modifications as may be considered necessary by the committee.

(g) Approve all decisions of the committee pertaining to issue of transit permits, use of income from sale of produce, or modification of management plans.[9]

(2) The quorum of the Gram Sabha meeting shall not be less than one-half of all members of such Gram Sabha:

Provided that at least one-third of the members present shall be women:

Provided further that where any resolutions in respect of claims to forest rights are to be passed, at least fifty per cent of the claimants to forest rights or their representatives shall be present:

Provided also that such resolutions shall be passed by a simple majority of those present and voting.[10]

(3) The Gram Sabha shall be provided with the necessary assistance by the authorities in the State.

5. **Sub-Divisional Level Committee.-** The State Government shall constitute Sub-Divisional Level Committee with the following members, namely:-

(a) Sub-Divisional Officer or equivalent officer - Chairperson;

(b) Forest Officer in charge of a Sub-division or equivalent officer - member;

(c) three members of the Block or Tehsil level Panchayats to be nominated by the District Panchayat of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to the primitive tribal groups and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council or other appropriate zonal level, of whom at least one shall be a woman member; and

(d) an officer of the Tribal Welfare Department in-charge of the Sub-division or where such officer is not available the officer in-charge of the tribal affairs.

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9 Inserted by Rule 5(i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

10 Substituted by Rule 5(ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 4 (2) The quorum of the Gram Sabha meeting shall be not less than two thirds of all members of such Gram Sabha: Provided that where there is a heterogeneous population of Scheduled Tribes and non Scheduled Tribes in any village, the members of the Scheduled Tribe, primitive tribal groups (PTGs) and pre-agricultural communities shall be adequately represented.

6. **Functions of the Sub-Divisional Level Committee.-** The Sub-Divisional Level Committee (SDLC) shall -

(a) provide information to each Gram Sabha about their duties and duties of holder of forest rights and others towards protection of wildlife, forest and biodiversity with reference to critical flora and fauna which need to be conserved and protected;

(b) provide forest and revenue maps and electoral rolls to the Gram Sabha or the Forest Rights Committee;

(c) collate all the resolutions of the concerned Gram Sabhas;

(d) consolidate maps and details provided by the Gram Sabhas;

(e) examine the resolutions and the maps of the Gram Sabhas to ascertain the veracity of the claims;

(f) hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;

(g) hear petitions from persons, including State agencies, aggrieved by the resolutions of the Gram Sabhas;

(h) co-ordinate with other Sub-Divisional Level Committees for inter sub-divisional claims;

(i) prepare block or tehsil-wise draft record of proposed forest rights after reconciliation of government records;

(j) forward the claims with the draft record of proposed forest rights through the Sub-Divisional Officer to the District Level Committee for final decision;

(k) raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules;

(l) ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A, B and C) of these rules.[11]

(m) ensure that the Gram Sabha meetings are conducted in free, open and fair manner with requisite quorum.

7. **District Level Committee.-** The State Government shall constitute District Level Committee (DLC) with the following members, namely:-

(a) District Collector or Deputy Commissioner - Chairperson;

(b) concerned Divisional Forest Officer or concerned Deputy Conservator of Forest - member;

(c) three members of the district panchayat to be nominated by the district panchayat, of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to members of the primitive tribal groups, and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member; or in

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11 Substituted by Rule 6 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 6 (l) "ensure easy and free availability of proforma of claims to the claimants as provided in Annexure-I (Forms A & B) of these rules".

areas covered under the Sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council of whom at least one shall be a woman member; and

(d) an officer of the Tribal Welfare Department in-charge of the district or where such officer is not available, the officer in charge of the tribal affairs.

8. **Functions of District Level Committee.-** The District Level Committee shall

(a) ensure that the requisite information under clause (b) of rule 6 has been provided to Gram Sabha or Forest Rights Committee;

(b) examine whether all claims, especially those of primitive tribal groups, pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act;

(c) consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee;

(d) hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee;

(e) co-ordinate with other districts regarding inter-district claims;

(f) issue directions for incorporation of the forest rights in the relevant government records including record of rights;

(g) ensure publication of the record of forest rights as may be finalized (**)[12]

(h) ensure that a certified copy of the record of forest rights and title under the Act, as specified in Annexures II & III to these rules, is provided to the concerned claimant and the Gram Sabha respectively and[13]

(i) ensure that a certified copy of the record of the right to community forest resource and title under the Act, as specified in Annexure IV to these rules, is provided to the concerned Gram Sabha or the community whose rights over community forest resource have been recognized under clause (i) of sub-section (1) of Section 3.[14]

9. **State Level Monitoring Committee. -** The State Government shall constitute a State Level Monitoring Committee with the following members, namely:-

(a) Chief Secretary - Chairperson;

(b) Secretary, Revenue Department - member;

(c) Secretary, Tribal or Social Welfare Department - member;

(d) Secretary, Forest Department - member;

(e) Secretary, Panchayati Raj - member;

(f) Principal Chief Conservator of Forests - member;

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12 The word "and" omitted by Rule 7(1) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

13 The word "and" inserted by Rule 7 (ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

14 Inserted by Rule 7(iii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

(g) three Scheduled Tribes member of the Tribes Advisory Council, to be nominated by the Chairperson of the Tribes Advisory Council and where there is no Tribes Advisory Council, three Scheduled Tribes members to be nominated by the State Government;

(h) Commissioner, Tribal Welfare or equivalent who shall be the Member-Secretary.

10. Functions of the State Level Monitoring Committee.- The State Level Monitoring Committee shall –

(a) devise criteria and indicators for monitoring the process of recognition and vesting of forest rights;

(b) monitor the process of recognition, verification and vesting of forest rights in the State;

(c) meet at least once in three months to monitor the process of recognition, verification and vesting of forest rights, consider and address the field level problems, and furnish a quarterly report in the format appended as Annexure V to these rules, to the Central Government on their assessment regarding the status of claims, the compliance with the steps required under the Act, details of claims approved, reasons for rejection, if any and the status of pending claims.[15]

(d) on receipt of a notice as mentioned in Section 8 of the Act, take appropriate actions against the concerned authorities under the Act;

(e) monitor resettlement under sub-section (2) of Section 4 of the Act.

(f) Specifically monitor compliance of the provisions contained in clause (m) of sub-section (1) of Section 3 and sub-section (8) of Section 4.[16]

11. Procedure for filing, determination and verification of claims by the Gram Sabha.-

(1) The Gram Sabhas shall :-

(a) call for claims and authorize the Forest Rights Committee to accept the claims in the Form as provided in Annexure-I of these rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, shall be made within a period of three months:

Provided that the Gram Sabha may, if considers necessary, extend such period of three months after recording the reasons thereof in writing.

(b) fix a date for initiating the process of determination of its community forest resource and intimate the same to the adjoining Gram Sabhas where there are substantial overlaps, and the Sub-Divisional Level Committee.

(2) The Forest Rights Committee shall assist the Gram Sabha in its functions to

(i) receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;

(ii) prepare the record of claims and evidence including maps;

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15 Substituted by Rule 8 (i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 10 (c). "furnish a six monthly report on the process of recognition, verification and vesting of forest rights and submit to the nodal agency such returns and reports as may be called for by the nodal agency".

16 Inserted by Rule 8(ii) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

(iii) prepare a list of claimants on forest rights;

(iv) verify claims as provided in these rules;

(v) present their findings on the nature and extent of the claim before the Gram Sabha for its consideration.

(3) Every claim received shall be duly acknowledged in writing by the Forest Rights Committee.

(4) The Forest Rights Committee shall also prepare the claims on behalf of Gram Sabha for "community forest rights in Form B and the right over community forest resource under clause (i) of sub-section (1) of Section 3 in Form C.[17]

(5) The Gram Sabha shall on receipt of the findings under clause (v) of sub-rule (2), meet with prior notice, to consider the findings of the Forest Rights Committee, pass appropriate resolutions, and shall forward the same to the Sub-Divisional Level Committee.

(6) The Secretary of Gram Panchayat will also act as Secretary to the Gram Sabhas in discharge of its functions.

12. Process of verifying claims by Forest Rights Committee.-

(1) The Forest Rights Committee shall, after due intimation to the concerned claimant and the Forest Department:-

(a) visit the site and physically verify the nature and extent of the claim and evidence on the site;

(b) receive any further evidence or record from the claimant and witnesses;

(c) ensure that the claim from pastoralists and nomadic tribes for determination of their rights, which may either be through individual members, the community or traditional community institution, are verified at a time when such individuals, communities or their representatives are present;

(d) ensure that the claim from member of a primitive tribal group or pre-agricultural community for determination of their rights to habitat, which may either be through their community or traditional community institution, are verified when such communities or their representatives are present; and

(e) prepare a map delineating the area of each claim indicating recognizable landmarks.

(f) delineate the customary boundaries of the community forest resource with other members of the Gram Sabha including elders who are well versed with such boundaries and customary access

(g) prepare a community forest resource map with recognizable land marks and through substantial evidence as enumerated in sub-rule (2) of rule 13 and thereafter, such community forest resource claim shall be approved by a resolution of the Gram Sabha passed by a simple majority.

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17 The word "community forest rights in Form B" substituted by Rule 9 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 11(4) "community forest rights in Form B'

Explanation: The delineation of community forest resource may include existing legal boundaries such as reserve forest, protected forest, National Parks and Sanctuaries and such delineation shall formalize and recognize the powers of the community in access, conservation and sustainable use of such community forest resources."[18]

(2) The Forest Rights Committee' shall then record its findings on the claim and present the same to the Gram Sabha for its consideration.

(3) If there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing: Provided that if the Gram Sabhas are not able to resolve the conflicting claims, it shall be referred by the Gram Sabha to the Sub-Divisional Level Committee for its resolution.

(4) On a written request of the Gram Sabha or the Forest Rights Committee for information, records or documents, the concerned authorities shall provide an authenticated copy of the same to the Gram Sabha or Forest Rights Committee, as the case may be, and facilitate its clarification, if required, through an authorized officer.

12A. Process of recognition of rights.-

(1) On receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue departments shall remain present during the verification of the claims and the verification of evidences on the site and shall sign the proceedings with their designation, date and comments, if any.

(2) If any objections are made by the Forest or Revenue departments at a later date to a claim approved by the Gram Sabha, for the reason that their representatives were absent during field verification, the claim shall be remanded to the Gram Sabha for re-verification by the committee where objection has been raised and if the representatives again fail to attend the verification process the Gram Sabha's decision on the field verification shall be final.

(3) In the event of modification or rejection of a claim by the Gram Sabha or a recommendation for modification or rejection of a claim forwarded by the Sub-Divisional Level Committee to the District Level Committee, such decision or recommendation on the claim shall be communicated in person to the claimant to enable him to prefer a petition to the Sub-Divisional Level Committee or District Level Committee as the case may be, within a period of sixty days which shall be extendable to a period of thirty days at the discretion of the above said committees.

(4) If any other state agency desires to object to a decision of the Gram Sabha or the Sub-Divisional Level Committee, it shall file an appeal before the Sub-Divisional Level Committee or the District Level Committee, as the case may be, which shall be decided by the Committee (in the absence of the representative of the concerned agency, if any) after hearing the claimant.

(5) No petition of the aggrieved person shall be disposed of, unless he has been given a reasonable opportunity to present anything in support of his claim.

(6) The Sub-Divisional Level Committee or the District Level Committee shall remand the claim to the Gram Sabha for re-consideration instead of modifying or rejecting the same, in case the

18 Inserted by Rule 10 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

resolution or the recommendation of the Gram Sabha is found to be incomplete or prima-facie requires additional examination.

(7) In cases where the resolution passed by the Gram Sabha, recommending a claim, with supporting documents and evidence, is upheld by the Sub-Divisional Level Committee with or without modifications, but the same is not approved by the District Level Committee, the District Level Committee shall record detailed reasons for not accepting the recommendations of the Gram Sabha or the Sub-Divisional Level Committee as the case may be, in writing, and a copy of the order of the District Level Committee along with the reasons shall be made available to the claimant or the Gram Sabha or the Community as the case may be.

(8) The land rights for self-cultivation recognised under clause (a) of sub-section (1) of Section 3 shall be, within the specified limit, including the forest lands used for allied activities ancillary to cultivation, such as, for keeping cattle, for winnowing and other post-harvest activities, rotational fallows, tree crops and storage of produce.

(9) On completion of the process of settlement of rights and issue of titles as specified in Annexure II, III and IV of these rules, the Revenue and the Forest departments shall prepare a final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the specified period of record updation under the relevant State laws or within a period of three months, whichever is earlier.

(10) All decisions of the Sub-Divisional Level Committee and District Level Committee that involve modification or rejection of a Gram Sabha resolution or recommendation of the Sub Divisional Level Committee shall give detailed reasons for such modification or rejection, as the case may be:

Provided that no recommendation or rejection of claims shall be merely on any technical or procedural grounds:

Provided further that no committee (except the Gram Sabha or the Forest Rights Committee) at the Block or Panchayat or forest beat or range level, or any individual officer of any rank shall be empowered to receive claims or reject, modify, or decide any claim on forest rights.

(11) The Sub-Divisional Level Committee or the District Level Committee shall consider the evidence specified in rule 13 while deciding the claims and shall not insist upon any particular form of documentary evidence for consideration of a claim.

Explanation:

1. Fine receipts, encroacher lists, primary offence reports, forest settlement reports, and similar documentation by whatever name called, arisen during prior official exercise, or the lack thereof, shall not be the sole basis for rejection of any claim.

2. The satellite imagery and other uses of technology may supplement other form of evidence and shall not be treated as a replacement.[19]

12B. Process of Recognition of Community Rights.-

(1) The District Level Committee shall, in view of the differential vulnerability of Particularly Vulnerable Tribal Groups as described in clause (e) of sub-section (i) of Section 3 amongst the forest dwellers, ensure that all Particularly Vulnerable Tribal Groups receive habitat rights, in consultation

19 Inserted by Rule 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

with the concerned traditional institutions of Particularly Vulnerable Tribal Groups and their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary by recognizing floating nature of their Gram Sabhas.

(2) The District Level Committee shall facilitate the filing of claims by pastoralists, transhumant and nomadic communities as described in clause (d) of sub-section (i) of Section 3 before the concerned Gram Sabhas.

(3) The District Level Committee shall ensure that the forest rights under clause (i) of sub-section (1) of Section 3 relating to protection, regeneration or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting and conserving for sustainable use, are recognized in all villages with forest dwellers and the titles are issued.

(4) In case where no community forest resource rights are recognized in a village, the reasons for the same shall be recorded by the Secretary of the District Level Committee.

(5) The conversion of forest villages, unrecorded settlement under clause (h) of Section 3 shall include the actual land use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities and public spaces.[20]

13. Evidence for determination of forest rights.-

(1) The evidence for recognition and vesting of forest rights shall, inter alia, include -

(a) public documents, Government records such as Gazetteers, Census, survey and settlement reports, maps, satellite imagery, working plans, management plans, micro-plans, forest enquiry reports, other forest records, record of rights by whatever name called, pattas or leases, reports of committees and commissions constituted by the Government, Government orders, notifications, circulars, resolutions;

(b) Government authorised documents such as voter identity card, ration card, passport, house tax receipts, domicile certificates;

(c) physical attributes such as house, huts and permanent improvements made to land including levelling, bunds, check dams and the like;

(d) quasi-judicial and judicial records including court orders and judgments;

(e) research studies, documentation of customs and traditions that illustrate the enjoyment of any forest rights and having the force of customary law, by reputed institutions, such as Anthropological Survey of India;

(f) any record including maps, record of rights, privileges, concessions, favours, from erstwhile princely States or provinces or other such intermediaries;

(g) traditional structures establishing antiquity such as wells, burial grounds, sacred places;

(h) genealogy tracing ancestry to individuals mentioned in earlier land records or recognized as having been legitimate resident of the village at an earlier period of time;

(i) Statement of elders other than claimants, reduced in writing.

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20 Inserted by Rule 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

(2) An evidence for "Community Forest Resource"[21] inter alia, include –

(a) community rights such as *nistar* by whatever name called;

(b) traditional grazing grounds; areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds; irrigation systems; sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners;

(c) remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds;

(d) Government records or earlier classification of current reserve forest as protected forest or as gochar or other village common lands, *nistari* forests

(e) Earlier or current practice of traditional agriculture.[22]

(3) The Gram Sabha, the Sub-Divisional Level Committee and the District Level Committee shall consider more than one of the above-mentioned evidences in determining the forest rights.

14. Petitions to Sub-Divisional Level Committee.-

(1) Any person aggrieved by the resolution of the Gram Sabha may within a period of sixty days from the date of the resolution file a petition to the Sub-Divisional Level Committee.

(2) The Sub-Divisional Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Gram Sabha in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.

(3) The Sub-Divisional Level Committee may either allow or reject or refer the petition to concerned Gram Sabha for its reconsideration.

(4) After receipt of such reference, the Gram Sabha shall meet within a period of thirty days, hear the petitioner, pass a resolution on that reference and forward the same to the Sub-Divisional Level Committee.

(5) The Sub-Divisional Level Committee shall consider the resolution of the Gram Sabha and pass appropriate orders, either accepting or rejecting the petition.

(6) Without prejudice to the pending petitions, Sub-Divisional Level Committee shall examine and collate the records of forest rights of the other claimants and submit the same through the concerned Sub-Divisional Officer to the District Level Committee.

(7) In case of a dispute between two or more Gram Sabhas and on an application of any of the Gram Sabhas or the Sub-Divisional Level Committee on its own, shall call for a joint meeting of the concerned Gram Sabhas with a view to resolving the dispute and if no mutually agreed solution can be reached within a period of thirty days, the Sub-Divisional Level Committee shall decide the dispute after hearing the concerned Gram Sabhas and pass appropriate orders.

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21 Substituted by Rule 12(i) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)
 # Rule 13 "community forest rights"

22 Inserted by Rule 12 (2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

15. Petitions to District Level Committee.-

(1) Any person aggrieved by the decision of the Sub-Divisional Level Committee may within a period of sixty days from the date of the decision of the Sub-Divisional Level Committee file a petition to the District Level Committee.

(2) The District Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Sub-Divisional Level Committee in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.

(3) The District Level Committee may either allow or reject or refer the petition to concerned Sub-Divisional Level Committee for its reconsideration.

(4) After receipt of such reference, the Sub-Divisional Level Committee shall hear the petitioner and the Gram Sabha and take a decision on that reference and intimate the same to the District Level Committee.

(5) The District Level Committee shall then consider the petition and pass appropriate orders, either accepting or rejecting the petition.

(6) The District Level Committee shall send the record of forest rights of the claimant or claimants to the District Collector or District Commissioner for necessary correction in the records of the Government.

(7) In case there is a discrepancy between orders of two or more Sub-Divisional Level Committees, the District Level Committee on its own, shall call for a joint meeting of the concerned Sub-Divisional Level Committees with a view to reconcile the differences and if no mutually agreed solution can be reached, the District Level Committee shall adjudicate the dispute after hearing the concerned Sub-Divisional Level Committees and pass appropriate orders.

16. Post Claim support and handholding to holders of forest rights.-

The State Government shall ensure through its departments especially tribal and social welfare, environment and forest, revenue, rural development, panchayati raj and other departments relevant to upliftment of forest dwelling scheduled tribes and other traditional forest dwellers, that all government schemes including those relating to land improvement, land productivity, basic amenities and other livelihood measures are provided to such claimants and communities whose rights have been recognized and vested under the Act.[23]

Dr. Bachittar Singh, Joint Secretary
[F. No.17014/02/2007–PC&V (Vol.VII)]
The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007
Government of India
Ministry of Tribal Affairs

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[F. No. 23011/32/2010-(Vol. II)]
Dr. Sadhana Rout, Joint Secretary
The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Amendment Rules, 2012

23 Inserted by Rule 13 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

ANNEXURES

Annexure I

[See Rule 6(I)]

FORM – A

CLAIM FORM FOR RIGHTS TO FOREST LAND

[See Rule 11(1)(a)]

1. Name of the claimant (s):
2. Name of the spouse
3. Name of father/mother
4. Address:
5. Village:
6. Gram Panchayat:
7. Tehsil/Taluka:
8. District:
9. (a) Scheduled Tribe : Yes/No
   (Attach authenticated copy of Certificate)

   (b) Other Traditional Forest Dweller: Yes/No
   (If a spouse is a Scheduled Tribe (attach authenticated copy of certificate)
10. Name of other members in the family with age:
    (including children and adult dependents)

Nature of claim on land:

1. Extent of forest land occupied

   (a) for habitation

   (b) for self-cultivation, if any:
   (See Section 3(1) (a) of the Act)
2. disputed lands if any:
   (See Section 3(1)(f) of the Act)
3. Pattas/leases/grants, if any:
   (See Section 3(1)(g) of the Act)
4. Land for in situ rehabilitation or alternative land, if any:
   (See Section 3(1)(m) of the Act)
5. Land from where displaced without land compensation:
   (See Section 4(8) of the Act)

6. Extent of land in forest villages, if any:
   (See Section 3(1)(h) of the Act)
7. Any other traditional right, if any:
   (See Section 3(1)(l) of the Act)
8. Evidence in support:
   (See Rule 13)
9. Any other information:

Signature/Thumb Impression of the Claimant(s):

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007
Government of India
Ministry of Tribal Affairs

FORM – B

CLAIM FORM FOR COMMUNITY RIGHTS

[See Rule 11(1)(a) and (4)]

1. Name of the claimant(s):
   (a) FDST community: Yes/No
   (b) OTFD community: Yes/No
2. Village:
3. Gram Panchayat:
4. Tehsil/Taluka:
5. District:

Nature of community rights enjoyed:

1. Community rights such as *nistar*, if any:
   (See Section 3(1)(b) of the Act)
2. Rights over minor forest produce, if any:
   (See Section 3(1)(c) of the Act)
3. Community rights
   (a) Uses or entitlements (fish, water bodies), if any:
   (b) Grazing, if any
   (c) Traditional resource access for nomadic and pastoralist, if any:
   (See Section 3(1)(g) of the Act)
4. Community tenures of habitat and habitation for PTGs and pre-agricultural communities, if any:
   (See Section 3(1)(e) of the Act)
5. Right to access biodiversity, intellectual property and traditional knowledge, if any:
   (See Section 3(1)(k) of the Act)
6. Other traditional right, if any:
   (See Section 3(1)(l) of the Act)
7. Evidence in support:
   (See Rule 13)
8. Any other information

Signature/Thumb Impression of the Claimant(s):
The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Rules, 2007
Government of India
Ministry of Tribal Affairs

FORM – C[24]

CLAIM FORM FOR RIGHTS TO COMMUNITY FOREST RESOURCE

[See Section 3(1)(i) of the Act and Rule 11(1) and 4(a)]

1. Village/Gram Sabha:
2. Gram Panchayat:
3. Tehsil/Taluka:
4. District:
5. Name(s) of members of the gram sabha [Attach as separate sheet, with status of Scheduled Tribes/ Other Traditional Forest Dwellers indicated next to each member].

   Presence of few Scheduled Tribes/Other Traditional forest Dwellers is sufficient to make the claim.

   We, the undersigned residents of this Gram Sabha hereby resolve that the area detailed below and in the attached map comprises our Community Forest Resource over which we are claiming recognition of our forest rights under Section 3(1)(i).

   (Attach a map of the community forest resource, showing location, landmarks within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities to which the community had traditional access and which they have been traditionally protecting, regenerating, conserving and managing for sustainable use. Please note that this need not correspond to existing legal boundaries.)
6. Khasra/Compartment No.(s), if any and if known:
7. Bordering Villages:

   (i)

   (ii)

   (iii)

   (This may also include information regarding sharing of resources and responsibilities with any other villages.)
8. List of Evidence in Support (Please see Rule 13)

Signature/Thumb impression of the Claimant(s):

The Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Amendment Rules, 2012
Government of India
Ministry of Tribal Affairs

24 Inserted by Rule 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

ANNEXURE II

[See Rule 8(h)]

TITLE FOR FOREST LAND UNDER OCCUPATION

1. Name(s) of holder(s) of forest rights (including spouse):
2. Name of the father/mother:
3. Name of dependents:
4. Address:
5. Village/gram sabha:
6. Gram Panchayat:
7. Tehsil/Taluka:
8. District:
9. Whether Scheduled Tribe or Other Traditional Forest Dweller
10. Area:
11. Description of boundaries by prominent landmarks including khasra/compartment No: This title is heritable, but not alienable or transferable under sub-section (4) of Section 4 of the Act.

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State) ..... affix our signatures to confirm the above forest right.

Divisional Forest Officer/
Deputy Conservator of Forests

District Tribal Welfare Officer

District Collector/Deputy Commissioner

Annexure III
[See Rule 8(h)]

TITLE TO COMMUNITY FOREST RIGHTS

1. Name(s) of the holder(s) of community forest right:
2. Village/Gram Sabha:
3. Gram Panchayat:
4. Tehsil/Taluka:
5. District:
6. Scheduled Tribe/Other Traditional Forest Dweller:
7. Nature of community rights:
8. Conditions if any:
9. Description of boundaries including customary boundary and/or by prominent landmarks including khasra/compartment No:

Name(s) of the holder(s) of community forest right:

1. .....

2 .....

3. .....

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State).....affix our signatures to confirm the forest right as mentioned in the Title to the above mentioned holders of community forest rights.

Divisional Forest Officer/
Deputy Conservator of Forests

District Tribal Welfare Officer

District Collector/Deputy Commissioner

Annexure IV[25]

TITLE TO COMMUNITY FOREST RESOURCES

[See Rule 8(i)]

1. Village/Gram Sabha:
2. Gram Panchayat:
3. Tehsil/Taluka:
4. District:
5. Scheduled Tribe/Other Traditional Forest Dweller: Scheduled Tribes community/Other Traditional Forest Dwellers community/Both
6. Description of boundaries including customary boundary, by prominent landmarks, and by khasra/ compartment No:

Within the said area, this community has the right to protect, regenerate or conserve or manage, and this (to be named) community forest resources which they have been traditionally protecting and conserving for sustainable used as per Section 3(1)(i) of the Act. No conditions are being imposed on this right other than those in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act and the Rules framed thereunder.

We, the undersigned, hereby, for and on behalf of the Government affix our signatures to confirm the community forest resource (to be named and specified in extent, quantum, area, whichever is applicable) as mentioned in the Title to the above mentioned gram sabha/community(ies).

(Divisional Forest Officer/ Deputy Conservator of Forests)

(District Tribal Welfare Officer)

(District Collector/Deputy Commissioner)

25 Inserted by Rule 15 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

Annexure V[26]

FORMAT FOR FURNISHING QUARTERLY REPORT

[See Rule 10(c)]

1. Name of State
2. Status of Claims
   (a) Individual Rights
   - Extent of forest land covered
   - Filed
   - Accepted
   - Rejected
   - Pending
   - Reasons for rejection with examples
   - Corrective measures suggested
   - Any other observations
   - Extent of forest land covered (in Ha.)
   - Status of updation of forest and revenue records under Section 3(1)(a) of the Act (in Ha.)

   (b) Community Forest Rights
   - Filed
   - Accepted
   - Rejected
   - Pending
   - Extent of forest land covered
   - Status of updation of forest and revenue record under Section 3(1)(b) to 3(1)(l) of the Act (in Ha.)
   - Reasons for rejections with example
   - Corrective measures suggested
   - Any other observations

26 Inserted by Rule 15 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E). dated 6th September, 2012)

(c) Details of Community Forest Resource being managed and by whom

(d) Good Practices (if any)

(e) Area diverted under Section 3(2) of the Act (in Ha.)

(f) Any other Remarks

(Chairman)
State Level Monitoring

(Member Secretary)
Committee State Level Monitoring Committee

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1(E), dated the 1st January, 2008.

[F.No. 23011/32/2010-(Vol. II)]

Dr. Sadhana Rout, Joint Secretary

EXTRACTED PROVISIONS FROM FRA / SC/ST (POA) Act 1989

Forest Rights Act, 2006 (FRA)

1. Right and responsibility to protect, regenerate, conserve and manage forests

   (a) Preamble of the FRA recognizes rights and puts responsibility on the forest dwellers for "conservation of biodiversity and maintenance of ecological balance resulting in strengthening of conservation regime". It also links livelihood and food security of the forest dwellers with community based conservation practices, recognizing that forest dwellers are an integral part of the forest ecosystem.

   (b) Section 3(1)(i) provides forest right to protect, regenerate, conserve and manage community forest resources which the community has been traditionally protecting and conserving for traditional use.

   (c) Section 3(1)(k) provides forest right to access biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity.

   (d) Section 5 provides the power and responsibility to the Gram Sabha to protect preserve and manage the biodiversity, natural resources, wildlife and water sources in its CFR, and also its cultural and spiritual resources, and to prevent any activity that causes harm to these resources.

   (e) Rule 4(1)(e) gives power to the Gram Sabha to constitute committees for the protection of wildlife, forest and biodiversity.

   (f) Rule 4(1)(f) gives power to the Gram Sabha to monitor and control these committees which are entrusted with the duty to prepare conservation and management plan for community forest resources. Gram Sabha also has the power to integrate such plans with the working plans of the forest department while making modifications in the plan.

2. Recognition, vesting of rights and consent of the Gram Sabha for diversion of land -

   (a) Preamble of FRA lays down the intention behind legislating and enforcing this Act which is to undo the historical injustice committed against tribal and other traditional forest dwelling community by recognizing and vesting rights of those who have been residing in jungles but their rights could not be recorded. This law recognizes that the forest dwellers have been wronged and are presently being wronged because of the non- recognition and vesting of rights in them, therefore, in order to make the process of recognition and vesting easier, Gram Sabhas have been given authority to decide about the vesting of claims.

   (b) Section 4(5) says that -the forest dwellers (ST and OTFD) cannot be removed from forest land till the process of recognition and vesting is complete. This again reminds us that forest dwellers cannot be removed from forest land which they occupy unless entire process of rights recognition under FRA 2006 and FR Rules 2008 is complete.

   (c) Section 5 says that the ST and OTFD and Gram Sabha have the power to protect the wild life, forest and biodiversity. They have the duty to ensure that adjoining catchment areas, water sources and other ecological sensitive areas are adequately protected. They also have the power to ensure that the habitat of ST and OTFD is preserved from any form of destructive practices affecting their cultural and natural heritage. And most importantly, the Gram Sabha should ensure that the decision taken in the Gram Sabha to regulate access to community forest resources and

stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with. Therefore, any decision about the diversion of land for any purpose cannot be made without the consent of the Gram Sabha as it is the ultimate authority to decide upon any activity affecting the forest, use of forest land and community forest resources.

(d) Free, prior, informed consent: Forest land cannot be diverted without taking the free, prior and informed consent of Gram Sabha. The Supreme Court in the Niyamgiri case, has observed that Gram Sabha will consider the diversion of land in a specially convened meeting after the rights recognition and vesting process is over.

The Forest Department is also obliged to seek consent from the Gram Sabha for plantation work because Gram Sabha has the power to self-govern the community forests and resources under FRA and process provided under FRA for taking consent should be followed.

3. Penal Provisions under FRA for violation of rights and processes :

(a) Section 7 says that if any "authority, or committee or officer or member of such authority or committee contravenes any provision" of FRA, 2006 or FR Rules, 2008 then they will be deemed to be guilty of a criminal offense under FRA, shall be liable for inquiry and shall be punished with fine which may extend to one thousand rupees.

(b) Section 8 says that any court can take cognizance of an offense under section 7 of the FRA, 2006 when the Gram Sabha passes a resolution against the errant authority, gives a notice of not less than 60 days to the State Level Monitoring Committee (SLMC), and the SLMC does not proceed and conduct an inquiry against such authority.

(c) Rule 10 (d) says that after the receipt of notice under section 8 of the FRA, the SLMC has a duty to take appropriate action against the concerned authorities under FRA.

SC/ ST Prevention of Atrocities Act, 1989

1. Section 3 (1) (g) makes wrongful dispossession of forest dwellers from their land or premises, interference with their enjoyment of rights, including forest rights over any land; destruction of crops; and taking away the produce from them, a criminal act which is cognizable and nonbailable offense, with no remedy of anticipatory bail.

2. This criminal act is punishable with a minimum of six months imprisonment, which can extend to five years imprisonment and fine. In case of government officials (public servants) and repeat offenders, the minimum punishment can be enhanced to one year.

3. Violations under this law also require the state authorities to pay monetary compensation to the victims, which is done in tranches as provided under the law. Upon registration of FIR, for example, 25% of the compensation has to be immediately paid to the persons affected by the crime.

4. Where a public servant has committed the offence under this Act, it is also professional misconduct, requiring disciplinary action including suspension, dismissal from service, or other punishments.

[Note : Other sub-sections of Section 3 can also be invoked depending on the crime committed against persons of SC/ST community.]

For a detailed discussion, please see Use of the Prevention of Atrocities Act-1989

IMMEDIATE

सत्यमेव जयते

No. 23011/32/2010-FRA [Vol.II (Pt.)]
Government of India
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi
Dated : 12th July, 2012

To

1. The Chief Secretaries of all State Governments
   (except Jammu & Kashmir, Punjab, Haryana and Delhi)
2. The Administrators of all Union Territories
   (except Lakshadweep)

Subject : Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 - guidelines regarding.

****

Sir,

As you are aware, the historic legislation "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act " had been enacted in 2006 with the objective of remedying the historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers of the country. However, even after lapse of more than four years of its implementation, the Ministry has observed that the flow of intended benefits of this welfare legislation to the eligible forest dwellers remains constrained.

2. The Ministry has noticed several problems which are impeding the implementation of the Act in its letter and spirit, such as, convening of Gram Sabha meetings at the panchayat level in some cases, resulting in exclusion of smaller habitations not formally part of any village; non-recognition of un-hindered absolute rights over the minor forest produce (MFP) to forest dwellers; imposition of several restrictions, like, transit permit for transportation of MFPs, levy of fees, charges, royalties on sale of MFPs; exclusion of certain types of MFPs, in contravention of the definition of MFP given in the Act; continuance of monopoly in the trade of MFP, especially in the case of high value MFP, such as, *tendu patta* by the Forest Corporations in many States; non-recognition of other community rights, such as, nistar rights, conversion of all forest villages, old habitations, un-surveyed villages and other villages in forests, whether recorded, notified or not into revenue villages; non-recognition of community forest resource rights relating to protection, regeneration or conservation, or management of any community forest resources under Section 3(1)(i) of the Act; etc.

3. In many areas, the tribal people and other forest dwellers are reportedly facing harassment and threats of eviction from forest lands and forced relocation or displacement from the areas proposed for development projects without settlement of their rights or due compliance with safeguards in violation of

the provisions of the Act. The claims are being rejected in some States as the officials are insisting on certain types of evidences and the new technology, such as, satellite imagery, is being used as the only form of evidence for consideration of a claim, instead of using the same to supplement the evidences submitted by the claimants in support of their claims. Inadequate public awareness about the provisions of the Act, particularly the provisions relating to the filing of petitions by the persons aggrieved by the decisions of the authorities prescribed under the Act, inadequate training of the implementing officials etc. are also some of the reasons for non-implementation of the Act in its letter and spirit.

4. In order to address the above concerns and to ensure effective implementation of the Act, the Ministry has undertaken an exercise to arrive at certain provisions/ steps which will facilitate robust implementation of the Act. Certain guidelines as indicated in the **Annexure** to this letter are accordingly being issued for compliance by all the State Governments/ UT Adminstrations. It is requested that the enclosed guidelines may be brought to the notice of all the implementing agencies in your State/UT for strict compliance. This Ministry may also kindly be apprised of the action taken for operationalising these guidelines at an early date.

5. This issues with the approval of competent authority.

Yours faithfully,

(Sadhana Rout)
Joint Secretary to the Government of India
Tele: 23383622

Copy also forwarded to State Principal Secretaries/Secretaries in-charge of Tribal Welfare/Development Departments for urgent necessary action.

(Sadhana Rout)
Joint Secretary to the Government of India

Annexure

Government of India
Ministry of Tribal Affairs

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Guidelines on the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The Act was notified for operation with effect from 31.12.2007 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 for implementing the provisions of the Act were notified on 1.1.2008.

Over a period of last four years of implementation of the Act, some problems impeding the implementation of the Act in its letter and spirit have come to the notice of the Ministry of Tribal Affairs, such as, convening of Gram Sabha meetings at the Panchayat level resulting in exclusion of smaller habitations not formally part of any village; non-recognition of un-hindered rights over the minor forest produce (MFP) to forest dwellers; non-recognition of other community rights; harassment and eviction of forest dwellers without settlement of their forest rights; rejection of claims by insisting on certain types of evidences, inadequate awareness about the provisions of the Act and the Rules etc.

In order to address the above concerns and with a view to ensure effective implementation of the Act, the following guidelines are issued on various aspects of implementation of the Act for compliance by all the State Governments/UT Administrations:

(i) Process of Recognition of Rights

(a) The State Governments should ensure that on receipt of intimation from the Forest Rights Committee, the officials of the Forest and Revenue Departments remain present during the verification of the claims and the evidence on the site.

(b) In the event of modification or rejection of a claim by the Gram Sabha or by the Sub-Divisional Level Committee or the District Level Committee, the decision on the claim should be communicated to the claimant to enable the aggrieved person to prefer a petition to the Sub-Divisional Level Committee or the District Level Committee, as the case may be, within the sixty days period prescribed under the Act and no such petition should be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

(c) The Sub-Divisional Level Committee or the District Level Committee should, if deemed necessary, remand the claim to the Gram Sabha for reconsideration instead of rejecting or modifying the same, in case the resolution or the recommendation of the Gram Sabha is found to be incomplete or prima-facie requires additional examination.

(d) In cases where the resolution passed by the Gram Sabha, recommending a claim, is upheld by Sub-Divisional Level Committee, but the same is not approved by the District Level Committee, the District Level Committee should record the reasons for not accepting the recommendations of the Gram Sabha and the Sub-Divisional Level Committee, in writing, and a copy of the order should be supplied to the claimant.

(e) On completion of the process of settlement of rights and issue of titles as specified in Annexures II, III & IV of the Rules, the Revenue / Forest Departments shall prepare a final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the prescribed cycle of record updation.

(f) All decisions of the Sub-Divisional Level Committee and District Level Committee that involve modification or rejection of a Gram Sabha resolution/ recommendation should be in the form of speaking orders.

(g) The Sub-Divisional Level Committee or the District Level Committee should not reject any claim accompanied by any two forms of evidences, specified in Rule 13, and recommended by the Gram Sabha, without giving reasons in writing and should not insist upon any particular form of evidence for consideration of a claim. Fine receipts, encroacher lists, primary offence reports, forest settlement reports, and similar documentation rooted in prior official exercises, or the lack thereof, would not be the sole basis for rejection of any claim.

(h) Use of any technology, such as, satellite imagery, should be used to supplement evidences tendered by a claimant for consideration of the claim and not to replace other evidences submitted by him in support of his claim as the only form of evidence.

(i) The status of all the claims, namely, the total number of claims filed, the number of claims approved by the District Level Committee for title, the number of titles actually distributed, the number of claims rejected, etc. should be made available at the village and panchayat levels through appropriate forms of communications, including conventional methods, such as, display of notices, beat of drum etc.

(j) A question has been raised whether the four hectare limit specified in Section 4(6) of the Act, which provides for recognition of forest rights in respect of the land mentioned in clause (a) of sub-section (1) of section 3 of the Act, applies to other forest rights mentioned in Section 3(1) of the Act. It is clarified that the four hectare limit specified in Section 4(6) applies to rights under section 3(1)(a) of the Act only and not to any other right under section 3(1), such as conversion of pattas or leases, conversion of forest villages into revenue villages etc.

(ii) Minor Forest Produce

(a) The State Government should ensure that the forest rights relating to MFPs under Section 3(1)(c) of the Act are recognized in respect of all MFPs, as defined under Section 2(i) of the Act, in all forest areas, and state policies are brought in alignment with the provisions of the Act. Section 2(i) of the Act defines the term "minor forest produce" to include "all non-timber produce of plant origin, including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers, and the like".

(b) The monopoly of the Forest Corporations in the trade of MFP in many States, especially in case of high value MFP, such as, tendu patta, is against the spirit of the Act and should henceforth be done away with.

(c) The forest right holders or their cooperatives/ federations should be allowed full freedom to sell such MFPs to anyone or to undertake individual or collective processing, value addition, marketing, for livelihood within and outside forest area by using locally appropriate means of transport.

(d) The State Governments should exempt movement of all MFPs from the purview of the transit rules of the State Government and, for this purpose, the transit rules be amended suitably. Even a transit permit from Gram Sabha should not be required. Imposition of any fee/charges/ royalties on the processing, value addition, marketing of MFP collected individually or collectively by the cooperatives/ federations of the rights holders would also be ultra vires of the Act.

(e) The State Governments need to play the facilitating role in not only transferring unhindered absolute rights over MFP to forest dwelling Scheduled Tribes and other traditional forest dwellers but also in getting them remunerative prices for the MFP, collected and processed by them

(iii) Community Rights

(a) The District Level Committee should ensure that the records of prior recorded nistari or other traditional community rights (such as Khatian part II in Jharkhand, and traditional forest produce rights in Himachal and Uttarakhand) are provided to Gram Sabhas, and if claims are filed for recognition of such age-old usufructory rights, such claims are not rejected except for valid reasons, to be recorded in writing, for denial of such recorded rights;

(b) The District Level Committee should also facilitate the filing of claims by pastoralists before the concerned Gram Sabha (s) since they would be a floating population for the Gram Sabha(s) of the area used traditionally.

(c) In view of the differential vulnerability of Particularly Vulnerable Tribal Groups (PTGs) amongst the forest dwellers, District Level Committee should play a pro-active role in ensuring that all PTGs receive habitat rights in consultation with the concerned PTGs' traditional institutions and their claims for habitat rights are filed before the concerned Gram Sabhas.

(d) The forest villages are very old entities, at times of preindependent era, duly existing in the forest records. The establishment of these villages was in fact encouraged by the forest authorities in the preindependent era for availability of labour within the forest areas. The well defined record of each forest village, including the area, number of inhabitants, etc. exists with the State Forest Departments. There are also unrecorded settlements and old habitations that are not in any Government record. Section 3(1)(h) of the Act recognizes the right of forest dwelling Scheduled Tribes and other traditional forest dwellers relating to settlement and conversion on forest villages, old habitation, un-surveyed villages and other villages and forests, whether recorded, notified or not into revenue villages. The conversion of all forest villages into revenue villages and recognition of the forest rights of the inhabitants thereof should actually have been completed immediately on enactment of the Act. The State Governments may, therefore, convert all such erstwhile forest villages, unrecorded settlements and old habitations into revenue villages with a sense of urgency in a time bound manner. The conversion would include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities, public spaces etc. Records of the forest villages maintained by the Forest Department may thereafter be suitably updated on recognition of this right.

(iv) Community Forest Resource Rights

(a) The State Government should ensure that the forest rights under Section 3(1)(i) of the Act relating to protection, regeneration or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting and conserving for

sustainable use, are recognized in all villages and the titles are issued as soon as the prescribed Forms for claiming Rights to Community Forest Resource and the Form of Title for Community Forest Resources are incorporated in the Rules. Any restriction, such as, time limit, on use of community forest resources other than what is traditionally imposed would be against the spirit of the Act.

(b) In case no community forest resource rights are recognized in a village, the reasons for the same should be recorded. Reference can be made to existing records of community and joint forest management, van panchayats, etc. for this purpose.

(c) The Gram Sabha would initially demarcate the boundaries of the community forest resource as defined in Section 2(a) of the Act for the purposes of filing claims for recognition of forest right under Section 3(1)(i) of the Act.

(d) The Committees constituted under Rule 4(e) of the Forest Rights Rules, 2008 would work under the control of Gram Sabha. The State Agencies should facilitate this process.

(e) Consequent upon the recognition of forest right in Section 3(i) of the Act to protect, regenerate or conserve or manage any community forest resource, the powers of the Gram Sabha would be in consonance with the duties as defined in Section 5(d), wherein the Gram Sabha is empowered to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the bio-diversity. Any activity that prejudicially affects the wild-life, forest and bio-diversity in forest area would be dealt with under the provisions of the relevant Acts.

(v) Protection Against Eviction, Diversion of Forest Lands and Forced Relocation

(a) Section 4(5) of the Act is very specific and provides that no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from the forest land under his occupation till the recognition and verification procedure is complete. This clause is of an absolute nature and excludes all possibilities of eviction of forest dwelling Scheduled Tribes or other traditional forest dwellers without settlement of their forest rights as this Section opens with the words "Save as otherwise provided". The rationale behind this protective clause against eviction is to ensure that in no case a forest dweller should be evicted without recognition of his rights as the same entitles him to a due compensation in case of eventuality of displacement in cases, where even after recognition of rights, a forest area is to be declared as inviolate for wildlife conservation or diverted for any other purpose. In any case, Section 4(1) has the effect of recognizing and vesting forest rights in eligible forest dwellers. Therefore, no eviction should take place till the process of recognition and vesting of forest rights under the Act is complete.

(b) The Ministry of Environment & Forests, vide their letter No.11-9/1998-FC(pt.) dated 30.07.2009, as modified by their subsequent letter of the same number dated 03.08.2009, has issued directions, requiring the State/ UT Governments to enclose certain evidences relating to completion of the process of settlement of rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, while formulating unconditional proposals for diversion of forest land for nonforest purposes under the Forest (Conservation) Act, 1980. The State Government should ensure that all diversions of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 take place in compliance with the instructions contained in the Ministry of Environment & Forest's letter dated 30.07.2009, as modified on 03.08.2009.

(c) There may be some cases of major diversions of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 after the enactment of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 but before the issue of Ministry of Environment & Forests' letter dated 30.07.2009, referred to above. In case, any evictions of forest dwelling Scheduled Tribes and other traditional forest dwellers have taken place without settlement of their rights due to such major diversions of forest land under the Forest (Conservation) Act, 1980, the District Level Committees may be advised to bring such cases of evictions, if any, to the notice of the State Level Monitoring Committee for appropriate action against violation of the provisions contained in Section 4(5) of the Act.

(d) The Act envisages the recognition and vesting of forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers over all forest lands, including National Parks and Sanctuaries. Under Section 2(b) of the Act, the Ministry of Environment & Forests is responsible for determination and notification of critical wildlife habitats in the National Parks and Sanctuaries for the purpose of creating inviolate areas for wildlife conservation, as per the procedure laid down. In fact, the rights of the forest dwellers residing in the National Parks and Sanctuaries are required to be recognized without waiting of notification of critical wildlife habitats in these areas. Further, Section 4(2) of the Act provides for certain safeguards for protection of the forest rights of the forest rights holders recognized under the Act in the critical wildlife habitats of National Parks and Sanctuaries, when their rights are either to be modified or resettled for the purposes of creating inviolate areas for wildlife conservation. No exercise for modification of the rights of the forest dwellers or their resettlement from the National Parks and Sanctuaries can be undertaken, unless their rights have been recognized and vested under the Act. In view of the provisions of Section 4(5) of the Act, no eviction and resettlement is permissible from the National Parks and Sanctuaries till all the formalities relating to recognition and verification of their claims are completed. The State/ UT Governments may, therefore, ensure that the rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers, residing in National Parks and Sanctuaries are recognized first before any exercise for modification of their rights or their resettlement, if necessary, is undertaken and no member of the forest dwelling Scheduled Tribe or other traditional forest dweller is evicted from such areas without the settlement of their rights and completion of all other actions required under section 4 (2) of the Act.

(e) The State Level Monitoring Committee should monitor compliance of the provisions of Section 3(1)(m) of the Act, which recognizes the right to in situ rehabilitation including alternative land in cases where the forest dwelling Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land without receiving their legal entitlement to rehabilitation, and also of the provisions of Section 4(8) of the Act, which recognizes their right to land when they are displaced from their dwelling and cultivation without land compensation due to State development interventions.

(vi) Awareness-Raising, Monitoring and Grievance Redressal :

(a) Each State should prepare suitable communication and training material in local language for effective implementation of the Act.

(b) The State Nodal Agency should ensure that the Sub Divisional Level Committee and the District Level Committee make district-wise plans for trainings of revenue, forest and tribal welfare departments' field staff, officials, Forest Rights Committees and Panchayat representatives.

Public meetings for awareness generation in those villages where process of recognition is not complete need to be held.

(c) In order to generate awareness about the various provisions of the Act and the Rules, especially the process of filing petitions, the State Government should organize public hearings on local bazaar days or at other appropriate locations on a quarterly basis till the process of recognition is complete. It will be helpful if some members of Sub Divisional Level Committee are present in the public hearings. The Gram Sabhas also need to be actively involved in the task of awareness raising.

(d) If any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or Gram Sabha through a resolution against any higher authority or Committee or officer or member of such authority or Committee gives a notice as per Section 8 of the Act regarding contravention of any provision of the Act or any rule made thereunder concerning recognition of forest rights to the State Level Monitoring Committees, the State Level Monitoring Committee should hold an inquiry on the basis of the said notice within sixty days from the receipt of the notice and take action, if any, that is required. The complainant and the Gram Sabha should be informed about the outcome of the inquiry.

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TYPE OF FOREST RIGHTS UNDER FRA

1. Ownership and Title rights to land, subject to a maximum of 4 hectares, that is being farmed by tribal or forest dwellers as on 13 December 2005;
2. Use rights – Rights were granted to tribes to grazing areas, pastoralist route to minor forest produce (also including ownership
3. Rehabilitation- Right to rehabilitation in case of illegal eviction or forced displacement. Relief and development rights were granted for basic amenities, subject to restrictions for forest protection;
4. Protection Rights and Forest management rights- to protect forests and wildlife.
5. The eligibility for 'Forest Rights' (to get rights) is confined to those who "primarily reside in forests" or who "depend on forests and forest land for their livelihood". Further, either the claimant must be a member of the Scheduled Tribes scheduled in that area or must have been residing in the forest for 75 years.

   Types of Rights granted to Indian Tribes under Forest ACT 2006

6. Right of ownership, access to collect, use, and dispose of minor forest produce;
7. Right to hold and live in the forest land for self-cultivation, for livelihood, to Scheduled Tribe or other traditional forest dwellers;
8. For settled or transhumant community-rights of uses of entitlements such as fish and other products of water bodies, grazing and traditional seasonal resource and their access to nomadic or pastoralist communities;
9. Right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;
10. Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
11. Traditional and customary right enjoyed by the forest-dwelling Scheduled Tribes or other traditional forest dwellers
12. Community rights such as nistar (WajabulAraz) , by whatever name called, including those used in erstwhile Princely states, Zamindari or such intermediary regimes;
13. Other rights as may be granted by the UT/State.

Criteria and Evidence

What is the criteria and evidence required for a Forest Dwelling Scheduled Tribe (FDST) to claim rights under FRA?

According to Section 2(c) of FRA, to qualify as FDST and be eligible for recognition of rights under FRA, three conditions must be satisfied by the applicant/s, who could be "members or community":

1. Must be a Scheduled Tribe /Other Traditional Forest Dwellers (Not ST) in the area where the right is claimed; and
2. Primarily resided in forest or forests land prior to 13-12-2005; and
3. Depend on the forest or forests land for bonafide livelihood needs.

Additional Evidences for OTFD

To qualify as OTFD and be eligible for recognition of rights under FRA, other conditions need to be fulfilled:

1. Primarily resided in forest or forests land for three generations (75 years) prior to 13-12-2005, and
2. village establishes its eligibility under the Act, there is no need for every individual to do so separately.

Meaning of the phrase "primarily resided in forests or forest land"

The phrase "primarily resided in forest or forest land" does not mean occupation. It was clarified by the Ministry of Tribal Affairs in Circular dated 9.06.2008 No.17014/02/2007-PC&V(Vol.VII), that the phrase "primarily resided in" means:

> "such Scheduled tribes and other traditional forest dwellers who are not necessarily residing inside the forest but are depending on the forest for their bona fide livelihood needs would be covered under the definition of 'forest dwelling Scheduled Tribes' and 'other traditional forest dweller' as given in Sections 2(c) and 2(o) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006."

It is important to state/UT that it is not necessary that exercise of forest rights for 75 years without interruption be proved. This would be an extremely onerous burden of proof on a claimant, and is not the intention of the law.

For the purpose of establishing their eligibility, OTFDs can rely upon and produce two or more of any ofthe evidences listed in Rule 13 (including oral testimony and physical evidence), and are not restrictedonly to Census of India data.

Meaning of "depend on the forest or forest lands for bonafide livelihood needs" in,Section 2(c) and (o) of FRA?

The term "bonafide livelihood needs" has been explained clearly in Rule 2(1)(b) of the FR Rulesas follows:

> "b) "bona fide livelihood needs" means fulfillment of livelihood needs of self and family through exerciseof any of the rights specified in sub-section (1) of Section 3 of the Act and includes sale of surplus producearising out of exercise of such rights."

This definition clearly displaces the misconception that bonafide livelihood needs mean mere survival.In fact, the entire FRA and FR Rules clearly recognise that forest dwelling communities are not restrictedto mere subsistence, but rather are entitled to a healthy standard of living. In fact, a plain reading ofSections 2(c) and (o) show that the word "primarily" qualifies "resided", but there is no such qualificationon the requirement "depend on forest and forest lands".Simply because a large proportion of the land in a State/ UT is classified as "forest land" and a large percentageof the population is dependent on the forests for bonafide livelihood needs, does not disqualify theapplicants in any way.

Government employeeis eligible for Rightsunder FRA ?

There is no provision in the law that forest dwellers should be solely or even primarily dependenton the forests for their livelihood, or for disqualifying persons whose family income is derived froma basket of sources. There is every likelihood that a family may be depending for its livelihoodneeds both on the forest

rights, as well as supplement their family income through a Governmentjob or salaried income. In fact, there are many families where one or more adult member has asalaried job requiring him to live in an urban area, while the other family members reside in thevillage and are sustained through intricate and sustainable relationships with the forests andforest produce.

Where one spouse works as a Government servant, while the rest of the family resides in the village, issuch family eligible for making a claim under FRA?

Many situations may arise where one spouse works as a Government servant or in a salaried job, whilethe other spouse along with other members of the family resides in the village. It would be contrary tothe letter and spirit of FRA to deny forest rights to such families, merely because one of the spouses hasseized such opportunity. It is for this reason that the FRA contains no statutory bar on recognition offorest rights of such claimants, if they are able to satisfy the other eligibility criteria.

Nor does the FRA restrict the recognition of forest rights to 'family'. A claimant can be an individual,a family, a community, or a Gram Sabha. Just because one member of the family is disqualifiedas a forest dweller, does not mean other members who meet the eligibility criteria cannot claimtheir rights.

Residing in revenue lands are eligible for Forest Rights Under FRA?

Merely residing in revenue lands is not a disqualification from eligibility under the FRA, as long as thelands on which grazing rights are sought are forest lands. Forest land has been widely defined underSection 2(d) of the FRA.

That apart, there is a specific provision for protection of the rights of pastoralist/nomadic communities under Section 3(1)(d) which describes the following forest right:

- "(d) other community rights of uses or entitlements such as...grazing (both settled or transhumant) andtraditional seasonal resource access of nomadic or pastoralist communities".

Most pastoralist communities in the Himalayan region are semi-nomadic, which means that they havepermanently settled villages in revenue lands, where they may even engage in agricultural activities,and engage in seasonal nomadic pastoral activities which are traditional in nature. The FRA categorically contemplates the inclusion of such communities and their traditional customary pastoral practices.

File claim from your own Gram Sabha

Claims can be filed before their own Gram Sabhas. If the rights are exercised in forests traversing numberof villages, they should also file before all the Gram Sabhas through which they traditionally have rightsof passage and temporary grazing. This can be done as a community through traditional communityinstitutions, or through individual members. Correspondingly, according to Rule 12(1)(c) of the FR Rules,the Forest Rights Committee has to ensure that the claims from pastoralists and nomadic tribes fordetermination of their rights are verified when such individuals, communities or their representatives are present, and no decision on these rights should be taken in their absence.

It is possible that claims of nomadic pastoralists may be filed later by those who are residents of aparticular village. This is because such nomadic communities are compelled to move from one placeto the next and therefore may not be aware of the need to file such claims within a time-frame. The

Forest Rights Committee should not refuse to entertain such claims merely on the ground that they aredelayed.

Is FRA applicable in Municipal areas?

A plain reading of Section 1(2) of the FRA demonstrates that it extends to the whole of India, and other no part of the country is exempted from its application.Section 2(d) of the FRA defines the term 'forest land' widely to mean "land of any description falling within any forest areas..." This definition of forest land reflects that law adopted by the Supreme Court of India in its judgment dated 12.12.19963 in the Godavarman case.

Clearly, the FRA is applicable to claimants in respect of forest lands wherever they may be located; no exception is made for municipal areas.

The Ministry of Tribal Affairs has also issued clarifications in this regard vide letter dated 29th April 2013(F.No.19020/02/2012-FRA) and 5th March 2015 (F.No.19020/02/2012-FRA(Vol. II)) where the confusion, if any, has been laid to rest.

What are the activities included within the meaning of "self-cultivation for livelihood" in Section 3(1)(a) of FRA?

The term "self-cultivation" is described in Rules 12A (8) of the FR Rules as follows: "12 A. xxx (8) The land rights for self-cultivation recognised under clause (a) of sub-section (1) of section 3 shall be, within the specified limit, including the forest lands used for allied activities ancillary to cultivation, such as, for keeping cattle, for winnowing and other post-harvest activities, rotational fallows, tree crops and storage of produce." However, it would not be lawful to use the land for any other purpose, since the forest right is vested for a specific purpose.

Document to be annexed with Claim

Every forest claim must be accompanied by two documents as evidence, which could be: documents

1. Issued by the government;

1. Research studies;
2. Statement by elders;
3. physical evidence/ Physical attributes /possession or use of land, such as house / land/ wells etc.
4. Domicile Certificate
5. ST certificate (In case claimant is ST)

How claims are filed and rejected

The FRA recognises individual rights of tribals over forest areas, if they can prove occupation before December 13, 2005. The claims over forest lands are processed through a three-tier system: the Gram Sabha, or general assembly of the village, where the claims are first submitted; a sub-divisional-level committee (SDLC) headed by a ADC/SDM ; and a district-level committee (DLC) headed by the district collector (DC/DM).

1. Accompanied by officials from the revenue and forest departments,
2. the gram sabha's forest rights committee verifies claims by a field visit,
3. collecting additional evidence,
4. Additional information if needed, from claimants and witnesses.

The committee then submits its opinion to the Gram Sabha, which approves or rejects the claim.

Approved claims are forwarded to the SDLC for review. If approved, the claim is forwarded to the DLC, which is the final legal authority to approve or reject claims.

Appeals against rejection follow the same order. If the gram sabha or SLDC rejects a claim, the claimant can appeal to the SDLC or DLC.

Evection is illegal ?

Yes, the state cannot evict any forest dweller if a claim on the concerned forest land under FRA is under process. If the claim gets rejected by the DLC, and assuming that the claimant has not exercised any other remedies available under the law, then the claimant can be evicted after following the due process as provided under the Indian Forest Act, 1927 and the relevant State law. The FRA does not contain any Frequently Asked Questions 29 provision or procedure for removal of encroachments, either automatically on rejection of a claim or otherwise, since this is not the subject matter of the FRA

ANNEXURE

No.23011/33/2010-FRA
Government of India
Ministry of Tribal Affairs

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Guidelines for conversion of forest villages into revenue villages under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

This is in supersession of this Ministry's D.O.NO. 17014/2/2007 PC&V (Vol VI) dated February 25, 2008, and further supersession of this Ministry's letter No. 23011/28/2008-SG-II dated 3.12.2008.

Section 3(1)(h) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereafter 'the Act') which defines **'forest rights'** includes therein:

"3.(1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers in ***all forest lands,*** *namely:-*

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(h) rights of settlement and conversion of all forest villages, old habitation, un surveyed villages and other villages in forest, whether recorded, notified, or not, into revenue villages;"

Section 2 (d) defines **"forest land"** as under:

""forest land" means land of any description Jailing within any forest area and includes unclassified forests, undemarcated forests, existing of deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;"

Section 2(p)(iii) of the Act, while defining **'village'** includes:

"(iii) forest villages, old habitation or settlements and un-surveyed villages, whether notified as village or not;"

Section 2(f) of the Act defines **'forest villages'** as follows:

""forest villages" means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages through the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of taungya settlements, by whatever name c:alled, for such villages and includes lands for cultivation and other uses, permitted by the Government;"

Rule 2A of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, "2000 (hereafter 'the Rules') as amended up-to-date, states as follows:

"2A.Identification of hamlets or settlements and process of their consolidation -

The State Government shall ensure that,

(a) every panchayat, within its boundaries, prepares a list of group of hamlets or habitations, unrecorded or un-surveyed settlements or forest villages or taungya villages, formally not part of any Revenue or Forest village record and have this list passed by convening Gram Sabha of each such habitation, hamlets or habitations included as villages for the purpose of the Act through a resolution in the Panchayat and submit such list to Sub Division Level Committee.

(b) the Sub-Divisional Officers of the Sub Division Level Committee consolidate the lists of hamlets and habitations which at present are not part of any village but have been included as villages within the Panchayat through a resolution, and are formalised as a village either by adding to the existing village or otherwise after following the process as provided in the relevant State laws and that the lists are finalised by the District Level Committee after considering public comments, if any.

(c) on finalisation of the lists of hamlets and habitations, the process of recognition and vesting of rights in these hamlets and habitations is undertaken without disturbing any rights, already recognized.[1]

Further, Rule 12B (5) of the Rules states as follows:

"12 B. Process of Recognition of Community Rights:-

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(5) The conversion of forest villages, unrecorded settlement under clause (h) of section 3 shall include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities and public spaces."[2]

In July 2012, Guidelines also issued by this Ministry which emphasized the need to implement the provisions of the FRA with regard to conversion of forest villages into revenue villages, without any exceptions or exemptions being provides to such villages in any category of forest lands, such as protected areas. Clause (iii)(d) states:

"(iii) Community Rights:

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(d) The forest villages are very old entities, at times of pre-independent era, duly existing in the forest records. The establishment of these villages was in fact encouraged by the forest authorities in the pre-independent era for availability of labour within the forest areas. The well defined record of each forest village, including the area, number of inhabitants, etc. exists with the State Forest Departments. There are also unrecorded settlement and old habitations that are not in any Government record. Section 3(1)(h) of the Act recognises the right of forest dwelling Scheduled Tribes and other traditional forest dwellers relating to settlement and conversion of forest villages,

1. Inserted by Rule 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 (vide Notification No G.S.R. No. 669 (E) dated 6th September, 2012)

2. Inserted by Rule 11 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules. 2012 (vide Notification No G.S.R. No. 669 (E) dated 6th September, 2012)

old habitation, un-surveyed villages and other villages and forests, whether recorded, notified or not into revenue villages. The conversion of all forest villages into revenue villages and recognition of the forest rights of the inhabitants thereof should actually have been completed immediately on enactment of the Act. The State Governments may, therefore, convert all such erstwhile forest villages, unrecorded settlements and old habitations into revenue villages with a sense of urgency in a time bound manner. The conversion would include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities, public spaces etc. Records of the forest villages maintained by the Forest Department may thereafter be suitably updated on recognition of this right."

Pursuant to the above, this Ministry is issuing the present Guidelines to provide for the procedure for settlement and conversion into revenue villages.

Suggested Procedure for Settlement and Conversion into revenue villages:

The following procedure may be followed for the settlement and conversion of forest villages, old habitations and other settlements on forest land into revenue villages:

1. All villages/settlements on forest land should be identified with the help of District Statistical Handbooks and Census Village Directories. All settlements with zero revenue land should be presumed to be forest villages in order to be converted into revenue villages under the Act. In addition, public suggestions and inputs should be invited through a public notice in all panchayat offices, forest offices and market places informing the public of this right and requesting villages on forest land to submit claims or to contact the concerned officials for assistance. The Collector of each district shall be responsible for getting lists of such villages prepared.

2. The Sub-Divisional Officers of the Sub Divisional Level Committee shall consolidate the lists of hamlets and habitations which at present are not part of any village but which fall within the definition of 'forest villages' under Section 3(1)(h) of the Act, and shall forward the same to the Collector.

3. Collector shall be responsible for ensuring that residents of such villages/old habitations are enabled to claim their conversion/settlement.

4. In each such village / habitation a notice should be posted stating that such a claim can be filed, giving the procedure for doing so (as per this order), and inviting the filing of a claim.

5. The list as prepared in each district, with updates of new additions where applicable, shall be communicated to the State Level Monitoring Committee, which should maintain a consolidated state-wide list of forest villages and old habitations and the status of their conversion. A progress report, with the district-wise list of forest villages and the status of their conversion, should be communicated to the Ministry every three months.

6. For the purposes of the Act, the assembly of all adult residents of each such village/habitation is recognized as the Gram Sabha, as per Section Z(p)(iii) of the Act, and shall elect its own Forest Rights Committee (FRC).

7. In cases where the number of adult residents of an old habitation or an unsurveyed village are less than the number specified for a forest rights committee, they may form a smaller FRC. If such

small habitations are in the vicinity of a revenue village, they may pass a unanimous resolution if they so desire, that they will he included in the larger village after conversion.

8. A claim for the conversation of forest villages, old habitations, unsurveyed villages and other villages on forest land, whether recorded, notified, or not, into revenue villages under section 3(1)(h) of the Act, shall be made collectively by the Gram Sabha of the settlement (see below). If any settlement fails to submit such a claim within a period of three months after posting of a notice as referred to above, the Collector should direct a revenue official not below the rank of Tehsildar to visit the settlement and inform the residents of their right to file a claim.

9. Any village/habitation on forest land which is not a revenue village shall be considered eligible for conversion, including;

   - All Forest Villages including Taungya Villages of all types which the Forest Department established, and recorded/recognised as forest villages from time to time.
   - All forest Villages including Taungya Villages which the Forest Department established for forestry and other works on forest land, but which have not been recorded/recognized as forest villages.
   - All forest villages including Fixed Demand Holdings which have come up as a result of the Forest Department granting various types of leases on forest land from time to time to various individuals.
   - All villages/habitations on forest land established by any Government Department / Agency for persons displaced by development projects or for labour/workers for any type of work, but which have not been recognized, surveyed and recorded as revenue villages.
   - All old habitations or unsurveyed villages on forest land which have escaped proper survey and settlement due to the land over which they are located getting classified as forest land.

10. The Gram Sabha/Forest Rights Committee of the concerned forest village/habitation shall first define the boundaries of the village/habitation and then prepare, with help as required and requested by the community from the local land revenue officials, and/or representatives from the Sub divisional Committee, a detailed map showing the present land use of the village. The Map would contain:

    - Extent and location of cultivable area, homestead lands/buildings, forests, water bodies and common lands such as grazing/pasture lands, burial grounds, etc.
    - Extent and location of other land uses (such as school building, religious places, playgrounds, health facilities and other community buildings/facilities)
    - Extent and location of their community forest resource over which various community forest rights are exercised.

11. That Gram Sabha shall approve the map thus prepared and submit the same to the Sub-Divisional Level Committee, along with its resolution claiming the right to conversion to a revenue

village. The claim shall include a list of all adult residents of the village. Incomplete claims shall not be rejected but remanded the Gram Sabha with specific instructions on the additional required information.

12. After examining the claim, map and the List, the Sub-Divisional Level Committee shall pass it on to the District Level Committee which shall take the necessary steps to recognize the right of conversion for the concerned village. Within two weeks of the decision of the District level Committee, the Collector will initiate necessary proceedings to convert the village into a revenue village and settle the land rights of the residents under revenue laws;

    Provided that such conversion would in no way curtail or restrict the forest rights of the residents of the converted village;

13. In the case of villages/habitations consisting entirely of Scheduled Tribe inhabitants, or mixed villages with majority of Scheduled Tribe inhabitants, conversion of the village/ habitation should follow if the settlement existed prior to December 13, 2005.

14. On finalisation of the lists of hamlets and habitations as provided above, the process of recognition and vesting of rights in these hamlets and habitations shall be undertaken without disturbing any forest rights already recognised.

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Government of india
Ministry of Tribal Affairs

Some of the important issues raised by the States relating to the Scheduled Tribes and Other Traditional Forest. Dwellers (Recognition of Forest Rights) Act, 2006 and the clarifications given thereto.

S. No.	issue	Clarification
(i)	Implications of the phrase "primarily reside in and who depend on the forests or forest lands for bona fide livelihood-needs" appearing in Section 2(c) and 2(o) of the Act.	The implication of using the word 'primarily' is to include the Scheduled Tribes and other Traditional Forest Dwellers who have either habitation, or patches of land for self-cultivation for livelihood, and would, therefore, be primarily spending most of their time either in temporary make shift structures or working on patches of land in such areas irrespective of whether their dwelling houses are outside the forest or forest land. Therefore, such Scheduled Tribes and other Traditional Forest Dwellers who are not necessarily residing inside the forest but are depending on the forest for their bona fide livelihood needs would be covered under the definition of "forest. dwelling Scheduled Tribes' and 'other traditional forest dweller" as given in Sections 2(c) and 2(o) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. [MoTA's, letter No.17014/02/2007-PC&V (Vol.II) dated 9th June, 2008, addressed to all States/UTs, except J&K]
(ii)	Constitution of various Committees: under the Act in Jharkhand where the Panchayat elections had not been held.	In the absence of Panchayati Raj Institution in the State of Jharkhand, the State Government was directed to arrange meetings of the Gram Sabhas and ensure representation in the Sub-Divisional Level Committees, District Level Committees and the State Level Committees in consultation with the Department of Panchayati Raj and the Nodal Department of State Government on Forest Rights Act. (MoTA's letter No. 17044/02/2007-PC&V (Vol.VII) (pt) dated 9th July, 2008, addressed to Government of Jharkhand]
(iii)	Consideration of the revenue land under the occupation of forest dwelling Scheduled Tribes and other traditional forest dwellers for determining the limit of an area of 4 hectares of forest land for habitation or for — self-cultivation, referred toin 4© of the Act.	The term: "forest land" is defined in section 2(d) of the Scheduled Tribes and Other Traditional Forest Dwellers; (Recognition of Forest 'Rights) Act, 2006, and the said definition does not include. revenue land, Therefore, the revenue; land under the occupation of forest dwelling Scheduled Tribes and other traditional forest dwellers is not to be taken into account for determining the limit of an area of 4 hectares of forest land for habitation or for self-cultivation, referred to in Section 4(6), of the. Act, The area of encroachment of forest land shall, however, be included in the limit of 4 hectares, prescribed in section 4(6) of the Act.

		However, section 3(1)(a) of the Act refers to "the right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood.....", while rule 2(1) (b) of the Scheduled Tribes and Other Traditional Forest "Dwellers (Recognition of Forest Rights) Rules, 2008 notified on 1.1.2008 defines "bona fide livelihood needs" as "fulfillment of sustenance need of self and family... ". As the basic objective of the Act is to provide livelihood means to forest dwelling Scheduled Tribes and other traditional forest dwellers, the livelihood aspect also needs to be kept in view, while considering the maximum limit of an area of 4 hectares of forest land for recognition and vesting of forest rights. If the forest dwellers do not primarily reside on the forest and in their occupation and depend on the revenue land or the area of regularized encroachment of forest land for their bona fide livelihood needs, then-they should not get file to the forest land in-occupation. [MoTA's fetter No. 23011/28/2008:SG-II dated 3.12.2008, addressed to Government of Gujarat]
(iv)	Since 3 months time has been provided wader Rule 11(a) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules 2008 for filing the claims, whether the Gram Sabha can consider the clear cases immediately or the Gram Sabha has to consider the cases only after the expiry of 3-months period.	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 provide that the Gram Sabha shall call for the claims and authorize the Forest Rights Committee: to accept the claims. Such claims are to be made within a period of three months from the date of such calling of the claims. The period of three months 'for filing the claims is thus to -be reckoned from the date of calling of claims after the constitution of the Forest Rights: Committee. Gram Sabhas can consider undisputed cases provided the procedure as laid down in the Rule 'has been followed. [MoTA's letter No. 23011/28/2008-SG-II dated 3.12.2008, addressed to all State/UT Governments except J&K, Harayana, Nagaland and Lakshadweep]
(v)	Whether the forest villages can be converted into revenue villages by administrative decision and whether claims have to be filed for the-same before the Gram Sabha.	The State Government can convert the forest Villages into revenue villages as per the guidelines issued by the Ministry of Environment & Forests, vide their letter No,13-1/90/FP(5) dated 18.9.1980. Action for conversion of such forest villages into revenue villages can also be taken by the State Government when the forest dwelling Scheduled Tribes and other traditional forest dwellers: filed their claims for recognition of this right before the Gram Sabha, to be ultimately decided upon by the District Level Committee. [MoTA's letter No. 23011/28/2008-SG-II dated 3.12.2008, addressed to Government of Madhya Pradesh]

(vi)	Whether powers can be delegated to the Revenue Divisional Officer for signing the claimant rights Pass Books i.e. title deeds, instead of District Collector and whether facsimile signature of the District Collector could be permitted in the claimant rights Pass Books i.e. title deeds.	As per Annexure-II & III of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, the title for forest land and community forest rights are to be signed by the District Collector/ Deputy Commissioner. Therefore, this 'power cannot be delegated to the Revenue Divisional Officers. The facsimile signature of the District Collector can also not be permitted on the title deeds. [MoTA's letter No. 23011/28/2008-SG-II dated 3.12.2008, addressed to Government of Andhra Pradesh]
(vii)	Whether the Principal Secretary of the Autonomous Councils in certain districts in the States governed under the provisions of the Sixth Schedule to the Constitution of India can be made the Chairperson of the SDLCs and DLCs under the Act.	As per the Scheduled Tribes and Other Traditional Forest Dwellers, (Recognition of Forest Rights). Rules, 2008; Sub-Divisional Level Committees and the District Level Committees are to be headed by Sub-Divisional Level Officers of, equivalent officers and District Collector or Deputy Commissioner respectively, During the review meeting of the State Secretaries/ Commissioners of Tribal Welfare held on 11.11.2008, it was informed that SDOs and District Magistrates were available in the six districts of the State, which were under the Sixth Schedule provision. Therefore, the District Level Committees and Sub Divisional Level Committees have to be constituted as per the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 even if the forest and land revenue matters are managed by the Council authorities. These Rules do not provide for making the Principal Secretary of the Autonomous Councils as the Chairperson of these Committees. [MoTA's letter No, 23011/28/2008-SG-II dated 3.12.2008, addressed to Government of Assam]
(viii)	Definition of the tern "State Government" in relation to the Union Territories with reference to the Act.	The expression the "State Government" has not been defined either in the Act or in the Rules Section 3 of the General Clauses Act, 1897 provides that the definitions given therein shall apply to this Act, and in all Central Acts and Regulations made after the commencement of this Act. These definitions are intended for a proper interpretation of all Central Acts made after the commencement of this Act and are subject to any context being repugnant. Clause (60) of section 3 defines the "State Government' as under: (a) as respects anything done before the commencement of the Constitution, shall mean, in a Part A State, the – Provincial Government of the corresponding Province in a Part B State, the authority or person authorized at the relevant date to exercise executive Government in the corresponding acceding State and in a Part C State, the Central Government;

		(b) as respects anything done after the commencement of the Constitution and before the commencement of the Constitution (Seventh Amendment) Act, 1958, shall mean, In a Part. A State, the Governor in a Part B State, the Rajpramukh, and in a Part C-State, the Central Government; (c) as respects anything done or to be done after the commencement of the Constitution (Seventh Amendment) Act, 1956, shall mean, In a State, the Governor, and in a Union territory, the Central Government; and shall, in relation to functions entrusted under Article 258-A of the Constitution of the Government of India, include the Central Government acting within the scope of the authority given to it under the Article. In the light of the above legal position, the expression the "State Government" used in the Act-and the Rules shall mean the "Central Government" in so far as the Union Territory of Daman & Diu is concerned. Therefore, the functions and powers of the State Government under the Act may be validly exercised by the Central Government in this Union Territory. [MoTA's letter No. 17014/02/2007-PC&V (Vol.VII) (pt.) dated 9.1.2009, addressed to Administration of Daman & Diu]
(ix)	Tribals in some settlements are demanding that land under cultivation should be assigned in their common name. Whether this is permissible as per the Act? If yes, then is the ceiling of 4 hectares applicable on the communal allotment of land, of is the applicable celling 4 hectares x no. of families? i.e. can 100 acres under common cultivation be so assigned to a community with 40 families in the Form at Annexure II of the Rules?	Section 3(1)(a) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recognises the right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for-livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers. The said Section, thus, permits the recognition and vesting of the right over the forest land under common occupation for cultivation in the name of a community of tribals. However, in view of the provisions of Section 4(6) of the Act, such forest land under the occupation of the community of tribals-shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares. [MoTA's letter No. 23011/28/2008-SG-II dated 15.1.2009, addressed to Government of Kerala]
(x)	How is the Annexure II Title to be assigned to a couple who are married intercaste?	Section 4(4) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 inter alia provides that a forest right conferred under the Act shall be, heritable but not) alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of

		the single head in the case of a household headed by a single person and in the absence of a direct heir the heritable right shall pass on to the next-of-kin. There is no bar in-the Act to the registration of the forest right conferred under the Act jointly in the name of both the spouses who are married inter-caste, provided the applicant is an ST or if not an ST, fulfils the criteria for a traditional forest dweller. [MoTA's letter No. 23011/28/2008-SG-II dated 15.1.2009, addressed to Government of Kerala]
(xi)	There are cases of tribals from Kerala requiring regularization of their rights under the Act in the forests of Karnataka, and vice versa. There could be similar cases with Tamil Nadu also How is this to be tackled?	Section 4(4) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recognises and vests forest rights in (a) forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes, and (b) the other traditional forest dwellers. The terms "forest dwelling Scheduled Tribes" and "other traditional forest Dweller" are defined in Sections 2(c) and 2(o) of the Act. Further, Section 4(3) read with section 4(6) of the Act requires that the following two conditions should be satisfied for recognition and vesting of forest rights in the forest dwelling Scheduled Tribes and other traditional forest dwellers in respect of forest land and their habitat: (i) they had occupied forest land before the 13th day of December, 2005; and (ii) they Were in occupation of such land on the date of commencement of the Act, i.e., 31.12.2007. The Scheduled Tribe status is State-specific and the forest dwelling Scheduled Tribes in Kerala would not carry their Scheduled Tribe status in Karnataka and vice versa. As all the conditions prescribed in Sections 2(c), 4(1)(a), 4(3) read with Section 4(6) of the Act would not be satisfied in the case of forest dwelling Scheduled Tribes in Kerala claiming recognition of forest rights in the forests of Karnataka, they would not be eligible for recognition and vesting of forest rights under the Act in the forests of Karnataka, and vice versa. Most important, the recognition of rights and the processing thereof has to be initiated by the concerned Gram Sabhas. The Gram Sabhas of one State cannot recommend the claims for recognition of forest rights over forest land in another State. [MoTA's letter No. 23011/28/2008-SG-II dated 15.1.2009, addressed to Government of Kerala] The provision for the quorum of two-thirds of all members of the Gram Sabha for the meeting of the Gram Sabha in-Rule A(2) of the

(xii)	Relaxation of the quorum of two-thirds of all members of the Gram Sabha for the meeting of the. Gram Sabha in Rule 4(2) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008.	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 has been made with a view to ensure true representation of all the members of the Gram Sabha in such meetings so that the decisions taken therein are impartial and cater to the real objective of the meeting. These Rules do not permit relaxation of this requirement of quorum. [MoTA's letter No. 23011/28/2008-SG-II dated 21.1.2009, addressed to Government of Kerala] & [MoTA's letter No. 17014/02/2007-PC&V (Vol-VI) (pt.) dated 4.3.2010, addressed to UT Administration of Daman & Diu, Moti Daman]
(xiii)	Processing of the claims of the occupants of forest land in Municipal and Panchayat Areas of Korba district of Chhattisgarh.	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 prescribes the Gram Sabha as the authority to initiate the process of determining the nature and extent of forest rights which are to be given to the, forest dwelling Scheduled Tribes and other traditional forest dwellers. The term 'Gram Sabha' is defined in Section 2(g) of the Act and the term 'village', referred to in Section 2(g), is also defined in Section 2(p) of the Act. In case, the Municipal and Panchayat areas of Korba District of Chhattisgarh, which are having forest land, have Gram Sabhas within the meaning of Section 2(g) read with Section 2(p) of the Act, then the claims of the occupants of forest land in such areas for recognition and vesting of forest rights over the forest, land under their occupation can be considered as per the procedure laid down in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008. In case these areas do not have Gram Sabhas within the meaning of Section 2(g) read with Section 2(p) of the Act, then the occupants of forest land in those areas would not be eligible for recognition and vesting of forest rights under the Act. [MoTA's letter No. 23011/28/2008-SG-II dated 21.1.2009, addressed to Government of Chhattisgarh]
(xiv)	Whether the cut off date of 13.12.2005 will be applicable for All forest dwelling Scheduled Tribes, irrespective of their State of origin, on migration from one State to another State.	The Scheduled Tribes of one State, on migration to another State, do not carry their ST status in the State of 'migration, unless they are notified as Scheduled Tribes in that State also. Therefore, the forest dwelling Scheduled Tribes who have migrated from another State to Orissa would be eligible for recognition vesting of forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 only if they are declared as Scheduled Tribes in the State of Orissa. Otherwise, they have to be treated as "other traditional forest dwellers" and will need to satisfy the condition: of three generations of stay as on 13.12.2005 for recognition and vesting: of forest rights under the Act and generation has been defined a period comprising twenty five years in Section 2(a) of the Act.

		[MoTA's DO letter No. 23011/28/2008-SG-II (FRA) dated 6.5.2009, addressed to Government of Orissa, Bhubaneswar]
(xv)	Whether a Committee other than the, Forest Right Committee and comprising persons other than the members of the Gram Sabha can be formed for assisting the Gram Sabha in discharge of its functions relating to recognition and vesting of forest rights under the Act.	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the Rules framed thereunder do not permit formation of any Committee other than the Forest Rights Committee for assisting the Gram Sabha in discharge of its functions relating to recognition and vesting of forest rights under the Act. Constitution of a Committee comprising persons ether than the members of the Gram Sabha and assigning the role of initiating the process for determining the nature and extent of forest rights to such a Committee, as proposed by the State Government, would be a direct violation of the provisions of the Act and the Rules framed thereunder. Hence, the proposal of the State Government cannot be accepted. [MoTA's letter No. 23011/28/2008-SG-II (FRA) dated 31.8.2009, addressed to Government of West Bengal, Kolkata]
(xvi)	Whether a claimant under the Act who already owns some land other than forest land or when he is engaged in some occupation and is using the forest land under occupation for agriculture in addition to his occupation is to be considered eligible for recognition and vesting of forest rights under the Act?	As per Sections 2(c) and 2(o) of the Act, the eligibility of the forest dwelling Scheduled Tribes and other traditional forest dwellers for claiming forest rights depends upon the following factors:- (1) Primarily residing in the forests or forest lands; (2) Dependence on the forests or forest lands for bona fide livelihood needs. (fulfillment of sustenance needs of self and family) This Ministry has clarified. vide letter No.17014/02/2007-PC&V(Vol. VII) dated 9.6.2008 that implication of using the word 'primarily' in Sections 2(c) and 2(o) of the Act is to-include the Scheduled Tribes and other traditional forest dwellers who have either habitation, or patches of land for self-cultivation for livelihood, and would, therefore, be primarily spending most of their time either in temporary make shift structures or working or patches of land in such areas irrespective of whether their dwelling houses are outside the forest or forest land. Therefore, it is for the Gram Sabha to examine, based on the findings of the Forest Rights Committee, as to whether a claimant Under the Act who already owns some land other than forest land or when he is engaged in some occupation and is using the forest land under occupation for agriculture in addition to his occupation needs forest land bona fide livelihood needs of self and family, before passing a resolution and forwarding the same to SDLC for enabling the SDLC/ DLC to adjudicate on the claim. The Ministry of Law Justice (Department of Legal Affairs) is agreeable, to the view that the Gram Sabha has to examine each case individually after taking into consideration all relevant factors including the findings of the Forest Rights Committee.

		[MoTA's letter No.17014/02/2007-PC&V (Vol-VII) (pt.) dated 4.3.2010, addressed to Government of Jharkhand, Ranchi]
(xvii)	Whether the term "self cultivation" appearing in Section: 3(1)(a) of the Act shall include the forest land under plough only, but also forest lands which are used in activities ancillary to cultivation, such as, for keeping cattle, for winnowing and for other practices that-are related to post-harvest activities?	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is a welfare legislation Keeping in view the spirit of this welfare legislation, if the agricultural operations take place adjacent to the place of actual cultivation, such operations and "self-cultivation" appearing in Section 3(1)(a) of the Act cannot be divorced. Each case has to be examined and decided individually by the Gram Sabha. [MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 17.11.2009, addressed to Tribal Research & Training institute, Pune]
(xviii)	Whether the quorum should not be at least 2/3rd (as against 1/3rd) as indicated in para 2.2(ix) of the procedure for seeking prior approval for diversion of forest land for non-forest purposes for certain facilities under Section 3(2) of the Act as circulated by the Ministry of Tribal Affairs on 18.5.2009 since the total number of members of the District Level Committee as prescribed in Rule 7 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 framed under the Act are just 6?	As per the procedure notified on 18.5.2009, the proposals for diversion of forest land-for developmental projects specified in Section 3(2) of the Act are to be forwarded to the District Level Committee for a final decision only when the Divisional Forest Officer (DFO) concerned does not approve the proposal submitted by the User Agency through the Range Forest Officer (RFO). As per the said procedure, at least 1/3rd quorum of members of DLC is needed for taking a final decision in such cases. It may be stated that DLC comprises the following members: (a) District Collector or Deputy Commissioner - Chairperson (b) Concerned Divisional Forest Officer or concerned Deputy Conservator of Forest - Member (c) 3 members of District Panchayat (d) An officer of the Tribal Welfare Department in charge of the district This Ministry has already clarified that the officer of the Tribal Welfare Department will be the Member Secretary of DLC. So, whenever the meeting of DLC is convened the Chairperson and the Member Secretary would be present and at least one more member - either the concerned DFO / Dy. Conservator of Forests or Member of the District Panchayat - would also -be attending the meeting. The possibility of only 2 out of 6 members of DLC deciding such cases is, thus, very remote. Since the process for providing the facilities under Section 3(2) of the Act is going on, it would not be desirable to change the provision relating to quorum at this juncture. [MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 17.11.2009, addressed to Tribal Research & Training Institute, Pune]

(xix)	Whether a time limit-should not be fixed for processing of cases under Section 3(2) of the Act as a one-time exercise considering the fact that by assigning the task of final decision making in respect of section 3(2) cases to the DLC, the DLC will continue to exist even after completion of the process of recognition of forest rights and the need for reconstitution of the Committee alter every election of Panchayat body?	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the Rules framed thereunder do not lay down any fixed tenure for the District Level Committee: (DLC) constituted under the Act. The DLCs can continue to exist for considering the cages relating to the diversion of forest land under Section 3(2) of the Act that are referred to by the DFO for final decision, even after the process of recognition of forest rights is completed under the Act. Such DLCs can be re-constituted if such reconstitution is so warranted on account of election of Panchayat bodies and nomination of new members from Panchayat institutions. As regards the issue whether a time limit be fixed for processing of cases under 3(2) as a one tine exercise, it may be stated that Section 3(2) of the Act does not prescribe a time limit for processing cases of diversion of forest land for the developmental activities specified in that Section. There is no bar in Section 3(2) of the Act for allowing diversion of forest land on more than one occasion for any of the development projects specifies therein, as long as the forest land so diverted is less than one hectare in each case and such projects are recommended by the Gram Sabha. Hence, it is not advisable to fix a time limit for processing cases of diversion of forest land under the Act. The Ministry of Law Justice (Department of, Legal Affairs) is also agreeable to the above views. [MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 17.11.2009, addressed to Tribal Research & Training institute, Pune]
(xx)	Whether the allotment of area indicated as upto one hectare in Section 3(2) of the Act is applicable to each developmental facility each time in the village or is it once only for all times to come?	As stated above, there is no bar in Section 3(2) 6f the Act for allowing diversion of forest land on more than one occasion for any of the development projects specified therein, as long hectare forest land so diverted is less than one hectare in each case and such projects are recommended by the Gram Sabha. [MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 17.11.2009, addressed to Tribal Research & Training Institute, Pune]
(xxi)	Whether a final date should be fixed for receiving claims for forest rights under the Act and al calendar Drawn for disposal of the claims received upto the final date.	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 does not prescribe any time limit for recognition and vesting of forest rights of the eligible claimants under the Act. As per Rule 11(a) of the Rules notified by this Ministry on 1.1.2008 for implementing the provisions of the Act, the Gram Sabhas shall call for claims and authorize the Forest Rights Committee to accept the claims in the Form as provided in Annexure-I of the rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, provided

		that the Gram Sabha-may, if consider necessary, extend such period of three months after recording the reasons thereof in writing. [MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 4.3.2010, addressed to Government of Rajasthan, Jaipur]
(xxii)	Whether the claims rejected by the District Level Committees can be re-investigated by the District Level Committees.	The Rules notified by this Ministry on 1.1.2008 for implementing the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 lay down an elaborate procedure for recognition and vesting of forest rights under the Act. The Gram Sabhas, Sub-Divisional Level Committees and District Level Committees are required to scrutinize the claims filed for recognition of forest rights under the Act, in detail, as per the procedure laid down in the said Rules, before the District Level Committee takes a final decision on the claims. Claims rejected by DLCs cannot be reviewed but if the State feels that the rejections at earlier levels have been unduly large, then It can investigate the reasons and if it is due to an inadequate reading of the provisions of the Act and Rules, it can apply correctives. But, to repeat, cases finalized by DLCs cannot be re-opened. [MaTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt) dated 4.3.2010, addressed to Government of Madhya Pradesh, Bhopal]
(xxiii)	Applicability of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in Municipal Corporation Areas.	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2008 prescribes the Gram Sabha as the authority to initiate the process of determining the nature and extent of the forest rights which are of be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers. As per the Act and the Rules framed thereunder, the Sup-Divisional Level Committee has to examine the resolution passed by the Gram Sabha and prepare the records of forest rights and forward if through the Sub-Divisional Officer to the District Level Committee for a final decision on the record of forest rights. It has been stated in the letter of TR&TI, Pune, that the Sub-Divisional Level Committee and the District Level Committee cannot be formed in the Municipal Corporation areas of the State as per the provisions of the Act. In view of this, the Act cannot be implemented in the concerned Municipal Corporation areas of the State. [MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 4.3.2010, addressed to Government of Maharashtra, Mumbai]

(xxiv)	Whether there is any deadline for submitting applications for recognition of forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.	There is no time limit for receiving applications. Processing of applications by Grim Sabhas have to be dene as per Rules especially Rule- 11 (1)(a) proviso. [MoTA'S DO letter No. 23011/24/2009-FRA dated 10.3.2010, addressed to Government of Tripura, Agartala]
(xxv)	(i) How the title of forest land issued to a forest right land issued to a forest right holder under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 would be transferred to his heir(s) in the event of the death of the title holder, considering the fact that the status of the land for Which he was issued the title deed remained "forest land" (ii) What will be the inheritance provision? How the title will be divided in the event of more than one child? (iii) If the right holder applies for bank loan for agricultural purposes, whether the banks would provide loans?	(i) & (ii): Section 4(4) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides that a forest right conferred under the Act shall be heritable but not alienable or Transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next of kin. In the event of the death of the title holder, the title shall be transferred to his/her direct heir or shall be divided where there are more than one child, as per the provisions of the relevant inheritance Jaw and the Land Tenure Act applicable to the State/UT concerned. (iii) In view of the provisions of Section 4(4) of Act, the rights recognised and vested on the forest land cannot be pledged with a bank for receiving a loan for agricultural operations, such as, land development, sourcing inputs like fertilizers, etc. The Ministry had examined this issue in consultation with the Ministry of Finance (Department of Financial Services), in the year 2007, who had then informed as under: "The loans upto Rs. 50,000/- have been made collateral and margin free. This also means that even without mortgaging of land by a Tribal farmer, he can avail loan upto 100% requirement of any agriculture or allied purpose including for land development upto the limit of Rs. 50,000/-. Besides, no "No Dues Certificate" is required for such amount of loan. Further, in order to overcome the problems faced by banks in lending to landless labourers, share-croppers and oral lessees due to the absence of documents verifying their identity and status, banks have been advised to accept Certificates provided by local administration/Panchayati Raj institutions regarding cultivation of crops in case of loans to landless labourers, share-croppers and oral lessees. Besides, the Government has taken the following steps to ensure credit disbursement for agriculture purposes:- • Short Term Crop loan upto 3 lakh is being disbursed @ 7% per annum at the ground level.

		• Commercial Banks and Regional Rural Banks have been advised to finance 50 lakhs new farmers during each of the last three years. • The Banks have been advised to simplify the procedure for documentation for agricultural loans. • To bring the 'financially excluded' population within the formal banking system, Banks have been instructed to achieve financial outreach through provision of a General Credit Card to households, to open 'No Frills" accounts with limited overdraft facilities, to extend financial outreach by utilizing services of Civil Society Organisation like Farmers Clubs, NGOs, Post Offices as Business Facilitator/Business Correspondent Model, etc." [MoTA's letter No. 17014/02/2007-PC&V (Vol-VII) (pt.) dated 30.3.2010, addressed to Government of Madhya Pradesh, Bhopal]
(xxvi)	Whether rubber cultivation should be allowed on forest land over which rights have been recognized.	Sections 2(c) and 2(o) of the Scheduled Tribes "and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which define the terms "forest dwelling Scheduled Tribes" and "other traditional forest Dweller", clearly mention the conditions of "primarily residence in the forests or forest lands' and "dependence on the forests or forest lands for bona fide livelihood needs" for the forest dwelling Scheduled Tribes and other traditional forest dwellers to be eligible for claiming forest rights under the Act. Further, section 3(1)(a) of the Act also refers to "the right to hold and live in the forest land under the individual or common occupation for habitation or for self cultivation for livelihood…", Rule 2(1) (b) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 notified on 1.1.2008 defines "bona fide livelihood needs" as "fulfillment of sustenance need of self and family ...". In view of the above mentioned provisions of the Act and the Rules, the forest rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers are to be recognized and vested over the forest land for fulfillment of their bona fide livelihood needs. Considering that rubber plantation is a commercial activity, this Ministry is of the view that the rubber cultivation should not be allowed on forest land over which fie rights have been recognized under the Act. [MoTA's letter No. 17014/02/2007-PG&V (Vol-VII) (pt.) dated 6.5.2010, addressed to Government of Tripura, Agartaia]

(xxvii)	Whether the local bodies in the urban areas of a State having, forest land can initiate. the process of determining the nature and extent of individual and community forest rights to be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers under Section 6 of the Act.	Section 6 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 prescribes the Gram Sabha as the authority to initiate the process of determining the nature and extent of forest rights which are to be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers. The term 'Gram Sabha' is defined in Section 2(g) of the Act and the term 'village', referred to in Section 2(g), is also defined in Section 2(p) of the Act. The concerned Urban Areas of the State having forest land may not have Gram Sabhas within the meaning of Section 2(g) read with Section 2(p) of the Act. If so, the occupants of forest land in such Urban Areas would not be eligible for recognition and vesting of forest rights over the forest land under their occupation under the Act. [MoTA's letter No. 17014/02/2007-PC&Y (Vol-VII) (pt.) dated 6.5.2010, addressed to Government of Madhya Pradesh, Bhopal]
(xxviii)	Whether taungya cultivators of Uttar Pradesh who do not fulfill the condition of occupation of forest land for three generations (75 years) at One place in the forests prior to 13.12.2005 would be eligible for recognition of forest rights under the Act.	Under Section 4(3) read with section A(6) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the following two conditions are required to be satisfied for recognition and vesting of forest rights in the forest dwelling Scheduled Tribes and other traditional forest dwellers in respect of forest land and their habitat: (i) they had occupied forest land before the 13th day of December, 2005; and (ii) they were in occupation of such land on the date of commencement of the Act, i.e., 31.12.2007. In the case of the other "traditional forest dwellers, the condition of at least three generations' stay (75 years) prior to the 13th day of December, 2005 is necessary. In the case of taungya cultivators of the State, if the above conditions are not satisfied, they would not be eligible for recognition of forest rights over forest land under their occupation under the Act. [MoTA's letter No. 17014/02/2 007-PC&V (Vol-VII) (pt.) dated 6.5.2010, addressed to Government of Uttar Pradesh, Lucknow]
(xxix)	Whether the condition regarding three generations prescribed in Section 2(o) of the Act-can be relaxed in the case of other traditional forest dwellers.	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 does not permit relaxation of the condition relating to three generations residence prior to 13th day of December, 2005 in the case of "other traditional forest dwellers" for recognition and vesting of their forest rights under the Act. Hene, is not possible to relax this condition. [MoTA's letter No. 17014/02/2007. PC&V (Vol-VII) (pt.) dated 6.5.2010, addressed to Government of Maharashtra, Mumbai]

1) قرارداد پاس ہونے کے بعد ایک کاپی عوام عوم کی جانکاری ک لیئے کسی بھی جاگہ پر چسپاں کی جائے۔

2) قرارداد میں ایک نمبر، تاریخ اور قرارداد کی جگہ ہونا ضروری ہے۔

3) گرام سبھا کا کورم، خواتین اراکین کی تعداد لکھی ہونی چاہیے جیسے، پنچائت کے کل افراد کی تعداد جو 18 سال کی عمر یا اُس سے بڑے ہوں، گرام سبھا میں موجود افراد کی تعداد جو 18 سال کی عمر یا اُس سے بڑے ہوں، خواتین اراکین کی تعداد جو 18 سال کی عمر یا اُس سے بڑی ہوں، ؛ دعویدار بھی موجود ہوں ۔

کورم

1۔ مثال کے طور پر ایک پنچائت میں کل افراد کی تعداد جو 18 سال کی عمر یا اُس سے بڑے ہیں: 1000 کل

2۔ گرام سبھا میں موجود افراد کی تعداد جو 18 سال کی عمر یا اُس سے بڑے ہوں: (50 فیصد ہوں) 500 ہوں

3۔ خواتین اراکین کی تعداد جو 18 سال کی عمر یا اُس سے بڑی ہوں (33 فیصد ہوں) :334

4۔ کل دعویداروں میں سے 50 فیصد بھی موجود ہوں۔

گرام سبھا کے اجلاس میں قرارداد پاس ہونا ضروری؟

گرام سبھا کے اجلاس اور قرارداد کا پاس ہونا ضروری ہے۔ اور قرارداد میں لکھا ہونا چاہئے کہ گرام سبھا کن کن لوگوں کے حق میں حقوق واگذار کرنے کی سفارش کر رہی ہے۔ قرارداد کے ساتھ گرام سبھا ممبران کے دستخط یا انگوٹھے کے نشان لگوائے جائیں۔ اور تمام کاروائی گرام سبھا (فاریسٹ رائیٹس کمیٹی) کے رجسٹر میں لکھے۔

دعوی رد ہونے کی صورت میں دعویدار کو تحریری جانکاری دی جائے۔

فاریسٹ رائیٹس کمیٹی دعوے سب ڈویژن کمیٹی کے پاس جمع کروا کر رسیدیں لیں محفوظ طریقے سے رکھی گئیں۔

دعویٰ رد ہونے کی صورت میں دعویدار کو گرام سبھا کے فیصلے سے تحریری طور پر آگاہ کیا جانا ضروری ہے۔

دعویدار کو اپیل کے حقوق

فاریسٹ رائیٹس ایکٹ کے تحت جمع شدہ دعویٰ رد ہونے کی صورت میں دعویدار سب ڈویژن لیول کمیٹی کے پاس Petition دائر کر سکتا ہے۔ سب ڈویژن لیول کمیٹی کی طرف سے دعویٰ رد ہونے پر دعویدار ضلع سطح کی کمیٹی کے پاس دائر کر سکتا ہے اور وہاں سے بھی رد ہونے پر عدالت میں دائر کر سکتا ہے۔

11۔ کمیٹی موقع پر دعوؤں کی جانچ کرے گی۔

12۔ کمیٹی موقع پر جانچ کرنے کے بعد ایک جانچ رپورٹ تیار گی اور گرام سبھا کو اس بارے میں بتائے گی ۔

تیسرا قدم

1۔ فاریسٹ رائٹس کمیٹی گرام سبھا اجلاس کے لئے نوٹس جاری کرے گی تا کہ دعوؤں پر بحث ہو اور اُنہیں پاس یا رد کیا جائے۔

2۔ اجلاس میں کورم کا ہونا ضروری ہے:

3۔ اجلاس میں ۔ فاریسٹ رائٹس کمیٹی کی جانب سے دعوے کی پوری جانکاری گرام سبھا کو دی جائے گی۔

4۔ گرام سبھا اجلاس میں قرارداد پیش کی جائے گی جس میں دعوؤں کو پاس یا رد کیا جائے گا۔

3۔ اجلاس میں عام اکثریت سے سے کسی بھی قرارداد کو پاس کر سکتا ہے۔

قرارداد میں کیا لکھا ہونا ضروری ہے:

قرارداد میں لکھا ہونا چاہئے کہ گرام سبھا کن کن لوگوں کے حق میں حقوق واگذار کرنے کی سفارش کر رہی ہے۔

قرارداد کے ساتھ گرام سبھا ممبران کے دستخط یا انگوٹھے کے نشان لگوائے جائیں۔ اور تمام کاروائی گرام سبھا (فاریسٹ رائیٹس کمیٹی) کے رجسٹر میں درج ہونی چاہیے۔

قرارداد میں تاریخ اور مقام کے بارے میں بھی جانکاری ہونی چاہیے۔

(گرام سبھا ایک بنا ہوا نمونہ اس کتاب میں شامل ہے)

کورم کیا ہوتا ہے؟

مثال کے طور پر ایک پنچائت میں کل افراد کی تعداد جو 18 سال کی عمر یا اُس زیادہ عمر کے ہوں: 1000 ہو (یا کوئی بھی تعداد ہو) ۔ وہ گرام سبھا کہلائے گی۔ اور تمام اُن فراد کی تعداد جو 18 سال کی عمر یا اُس زیادہ عمر کے ہوں گے خواہ وہ ووٹر ہوں یا نہ ہوں گرام سبھا کے ممبر ہوں گے۔ گرام سبھا اجلاس میں موجود افراد کی تعداد 50 فیصد ہو یعنی اگر ایک ہزار ہو تو 500 یا اس سے زیادہ ہوں۔ سبھا کے اجلاس میں خواتین اراکین کی تعداد جو 18 سال کی عمر یا اُس سے بڑی ہوں 33 فیصد ہو۔ یعنی ایک ہزار میں 334 یا اس سے زیادہ ہوں۔ اس موقع پر کل دعویداروں میں سے 50 فیصد یا اس سے زیادہ ہوں۔

گرام سبھا میں اختلافِ رائے اور الیکشن؟

گرام سبھا میں موجود 50 فیصد افراد کی تعداد جو 18 سال کی عمر یا اُس سے بڑے ہوں میں اختلافِ رائے کی صورت میں ووٹنگ ہو گی تو 25 اس صورت میں فیصد سے زائد جس طرف ہوں گے اُسے اکثریت مانا جائے گا اور وہ اکثریت قرارداد پاس کر سکتی ہے۔

ذہن میں رکھنے کے لئے اہم باتیں:

پہلا قدم

گرام سبھا کی جانب سے فاریسٹ رائٹس کمیٹی کی تشکیل:

1۔گرام سبھا کی پہلی میٹنگ میں فاریسٹ رائٹس کمیٹیForest Rights Committee کی تشکیل ہوگی۔

2۔گرام سبھا کے اراکین میں سے کم ازکم 10اور زیادہ سے زیادہ پندرہ افراد کی کمیٹی (جنگلات کے حقوق کمیٹی)تشکل پائے گی۔

3۔اس کمیٹی میں ایک تیہائی عورتیں اور دو تیہائی شڈیول ٹرائب اراکین ہونے لازمی ہیں۔مثال کے طور پر 15 ممبری کمیٹی میں 10 ممبر STاور 5 عورتیں بھی ممبر ہونی چاہیے۔

دوسرا قدم

1۔فاریسٹ رائٹس کمیٹیForest Rights Committee گرام سبھا کی ایماء پر پنچائت میں بسنے والوں سے جنگل کی زمین پر اپنے دعوے پیش کرنے کے لئے نوٹس جاری کرے گی۔

2۔فاریسٹ رائٹس کمیٹیForest Rights Committee جنگل کے حقوق کی نوعیت اور حد،متعلقہ تمام طرح کے دعوے وصول کرے گی۔

فاریسٹ رائیٹس کمیٹی دعوے جمع کرنے پر دعویدار کو مہر شدہ رسید دے گی۔

3۔فاریسٹ رائٹس کمیٹیForest Rights Committee جمع شدہ دعوؤں اور ان کے ساتھ پیش کئے گئے ثبوتوں کی پڑتال کرے گی اور اگر کوئی کمی وغیرہ ہوگی تو دعویدار کے ساتھ مل کیاُس کا حل نکالے گی ۔

4۔ جمع شدہ دعوؤں کو دیکھتے ہوئے حکومت (SLDC) سب ڈویژن کمیٹی سے ضروری معلومات، نقشے ،ووٹرلست اور دوسرے ریکارڈ طلب کرے گی۔

5۔جنگلات کے دعویداروں کی فہرست تیار کریں۔

6۔دعووں کے لئے ایک رجسٹر بنائے گی جس میں دعوؤں کی تفصیل درج ہوگی۔

7۔فاریسٹ رائٹس کمیٹیForest Rights Committee تنازعات کے حل کو یقینی بنائے گی۔

8۔فاریسٹ رائٹس کمیٹیForest Rights Committee تحریری طور پر گرام سبھا کے کاغذ بنائے گی۔

9۔فاریسٹ رائٹس کمیٹیForest Rights Committee موقع پر دعوؤں کی جانچ کے لئے اگلی کمیٹی (سب ڈویژنل کمیٹی) کو خط لکھ کر دعووں کی جانچ کے بارے میں شیڈیول بتائے گی اور استدعا کرے گی کہ متعلقہ سرکاری افراد کو مشترکہ جانچ کے لئے بھیجا جائے۔اگر تین مرتبہ خط لکھ کے بُلائے جانے پر بھی سرکاری لوگ نہ آئیں تو کمیٹی موقع پر جا کر تصدیق کرسکتی ہے۔

10۔فاریسٹ رائٹس کمیٹیForest Rights Committee موقع پر دعووں کی جانچ کے بارے میں شیڈیول دعویداروں کو بتائے گی۔

(2)" کمیونٹی فاریسٹ ریسورس" کے لیے ایک ثبوت، بشمول-

(a) کمیونٹی کے حقوق جیسے کہ نستار (واجب العرض) جس بھی نام سے پکارا جائے؛

(b) روایتی چرانے کے میدان؛ جڑوں اور کندوں، چارہ، جنگلی خوردنی پھلوں کو جمع کرنے کے علاقے اور دیگر معمولی جنگل کی پیداوار Minor Forest Produces؛ ماہی گیری کے میدان؛ آبپاشی کے نظام؛ کے لیے پانی کے ذرائع انسانی یا مویشیوں کا استعمال، جڑی بوٹیوں کے پریکٹیشنرز کے دواؤں کے پودوں کو جمع کرنے کے علاقے؛

(c) مقامی کمیونٹی کے ذریعہ تعمیر کردہ ڈھانچے کی باقیات، مقدس درخت، باغات اور تالاب یا ندی علاقے، قبرستان یا شمشان کی جگہ؛

(d) حکومتی ریکارڈ یا موجودہ ریزرو جنگل کی اس سے پہلے کی درجہ بندی بطور محفوظ جنگل یا اس کے طور پر گھاس چرائی دوسرے گاؤں کی مشترکہ زمینیں، نستاری کے جنگلات (e) روایتی زراعت کا پہلے یا موجودہ عمل۔

دوسرے معاملات:

(1) گرام سبھا کی قرارداد سے ناراض کوئی بھی شخص ساٹھ دن کی مدت کے اندر قرارداد یا حکم نامے کے خلاف سب ڈویژنل سطح کی کمیٹی کو عرضی دائر کرے۔

(2) سب ڈویژنل سطح کی کمیٹی سماعت کے لیے ایک تاریخ طے کرے گی اور درخواست گزار کو آگاہ کرے گی۔ اس سلسلے میں متعلقہ گرام سبھا کو تحریری طور پر اور ساتھ ہی میں ایک آسان عوامی مقام پر نوٹس کے ذریعے درخواست گزار کا گاؤں سماعت کے لیے مقرر کردہ تاریخ سے کم از کم پندرہ دن پہلے کرے گی۔

بھیجا جائے۔ مزید یہ کہ کوئی کمیٹی (سوائے گرام سبھا یا فاریسٹ رائٹس کمیٹی کے) پر بلاک یا پنچایت یا فارسٹ بیٹ یا رینج لیول، یا کسی بھی رینک کا کوئی فرد افیسر جنگل کے حقوق پر دعوے وصول کرنے یا مسترد کرنے، ترمیم کرنے یا فیصلہ کرنے کا اختیار اکیلے نہیں رکھتا۔ (اس کے لئے کمیٹی ذمے دار ہے)

سب ڈویژنل سطح کی کمیٹی یا ضلعی سطح کی کمیٹی شواہد (Evidences) پر غور کرے گی اور دعوؤں کا فیصلہ کرتے وقت سیکشن 13 میں بیان کیا گے کسی خاص طرح ثبوت پر اصرار نہیں کرے گا۔ دعوے پر غور کے لیے دو دستاویزی ثبوت جو بھی دعویدار کے پاس ہوں تو کافی ہوں گے۔ ان میں شامل ہیں:

سیکشن 13 جنگل کے حقوق کے تعین کے لئے درج ذیل ثبوتوں میں سے کوئے دو ثبوت درکار ہوں گے۔

(1) جنگلات کے حقوق کو تسلیم کرنے اور ان کی تصدیق کے ثبوت میں، دیگر چیزوں کے ساتھ، یہ شامل ہوں گے۔

(a) عوامی دستاویزات، سرکاری ریکارڈ جیسے گزٹیئر، مردم شماری، سروے اور تصفیہ رپورٹس، نقشے، سیٹلائٹ کی تصویریں، ورکنگ پلانز، مینجمنٹ پلانز، مائیکرو پلانز، جنگل انکوائری رپورٹس، جنگل کے دیگر ریکارڈ، حقوق کا ریکارڈ جس نام سے بھی پکارا جائے، پٹے یا لیز، حکومت کی طرف سے تشکیل کردہ کمیٹیوں اور کمیشنوں کی رپورٹیں، حکومت احکامات، اطلاعات، سرکلر، قراردادیں؛

(b) حکومت کی اجازت یافتہ دستاویزات جیسے ووٹر شناختی کارڈ، راشن کارڈ، پاسپورٹ، مکان، ٹیکس کی رسیدیں، ڈومیسائل سرٹیفکیٹ؛

(c) برسر موقع ثبوت جیسے مکان، جھونپڑی اور زمین میں مستقل بہتری لیولنگ، بند، چیک ڈیم وغیرہ۔

(d) عدالتی احکامات اور فیصلوں سمیت نیم عدالتی اور عدالتی ریکارڈ؛

(e) تحقیقی مطالعات، رسوم ورواج کی دستاویزات جو قبضے کو واضح کرتی ہیں۔

کسی بھی جنگل کے حقوق کے بارے میں اور معروف اداروں کے ذریعہ روایتی قانون کی طاقت کا ہونا، جیسے ملک کا بشریاتی سروے Anthropological Survey of India؛

(f) کوئی بھی ریکارڈ بشمول نقشے، حقوق کا ریکارڈ، مراعات، احسانات، سابقہ دور سے شاہی ریاستیں یا صوبے یا اس طرح کے دوسرے نظام کی طرف سے دی گئی زمینیں؛

(g) قدیمی رہایش کو قائم کرنے والے روایتی ڈھانچے جیسے کنویں، قبرستان، شمشان، مقدس مقامات؛

(h) شجرہ نسب کا پتہ لگانا ان افراد کے لیے جن کا ذکر پہلے اراضی کے ریکارڈ میں کیا گیا ہے۔

(i) دعویداروں کے علاوہ دیگر بزرگوں کا تحریری طور پر دیا گیا بیان،

دعویدار سب ڈویژنل سطح کی کمیٹی یا ضلع کو عرضی Petition دے سکے گا جس کی مدت ساٹھ دن ہوگی۔
سب ڈویژنل سطح کی کمیٹی کی طرف سے کسی دعوے میں ترمیم یا مسترد (Modification / Rejection) ہونے کی صورت میں دعویدار یا ضلع سطح کی کمیٹی کو عرضی Petition دے سکے گا جس کی مدت ساٹھ دن ہوگی۔ اگر کوئی دوسری ریاستی ایجنسی گرام سبھا یا سب ڈویژنل کے فیصلے پر اعتراض کرنا چاہتی ہے تو یہ سب ڈویژنل سطح کی کمیٹی یا ضلع سطحی کمیٹی، جیسا کہ معاملہ ہو، کے سامنے اپیل دائر کرے گی اور ایجنسی اور دعویدار کی بات سننے کے بعد فیصلہ متعلقہ کمیٹی کرے گی ۔متاثرہ شخص کی کوئی درخواست نمٹائی نہیں جائے گی، جب تک کہ اسے سنے جانے کا معقول موقع نہ دیا جائے گا۔
سب ڈویژنل سطح کی کمیٹی یا ضلعی سطح کی کمیٹی اگر کوئی کمی پائے تو دعوؤں کو دوبارہ غور کے لیے گرام سبھا کو بھیج سکتی ہے۔ ایسے معاملات میں جہاں گرام سبھا کے ذریعہ قرارداد منظور کی گئی ہو، Recomendation کے ساتھ دعوؤں کی سفارش کی گئی ہو دستاویزات اور شواہد کی بناء پر انہیں منظوری کے لئے بھیجا گیا ہو، لیکن سب ڈویژنل سطح کی کمیٹی، ضلعی سطح کی کمیٹی، جیسا کہ معاملہ ہو، دعوؤں کو منظور نہیں کرتی ہے تو کمیٹی تحریری طور پر گرام سبھا کی سفارشات کو قبول نہ کرنے کی تفصیلی وجوہات درج کرے گی۔ اور آرڈر کی ایک نقل دعویدار کو دستیاب کرائی جائے گی یا گرام سبھا کو یا کمیونٹی کو دستیاب رکھی جائے گی جیسا بھی معاملہ ہو۔
سیکشن 3 کی ذیلی دفعہ (1) کی شق (a) کے تحت خود کاشت کے لیے زمین کے حقوق کو تسلیم کیا گیا ہے دعوے کی صورت میں متعین حد کے اندر دی جائے گی، کاشت کاری، جیسے مویشیوں کو پالنے کے لیے، کاشت کے لیے اور دیگر فصلوں کے بعد کی سرگرمیاں، آبشار، درختوں کی فصلیں اور پیداوار کا ذخیرہ کرنے کی جگہیں جس میں جنگل کی زمینیں بھی شامل ہیں جو متعلقہ سرگرمیوں کے لیے استعمال ہوتی ہیں پر دعوے کا تعین ہوگا
حقوق کے تصفیہ اور عنوانات (title) کے اجراء کے عمل کی تکمیل پر جیسا کہ ضمیمہ II میں بیان کیا گیا ہے، ان رولز کے III اور IV کے تحت ریونیو اور فارسٹ ڈیپارٹمنٹس کا حتمی نقشہ تیار کریں گے۔
ریونیو اور فارسٹ ریکارڈ، جیسا کہ معاملہ ہو، ریکارڈ اپ ڈیٹ کرنے کی مخصوص مدت کے اندر متعلقہ ریاستی قوانین کے تحت تین ماہ کی مدت کے اندر، جنگلات کی زمین پر دئے گئے حقوق کو ریونیو اور فارسٹ ریکارڈ شامل کریں گے۔
سب ڈویژنل سطح کی کمیٹی اور ضلعی سطح کی کمیٹی کے تمام فیصلے جن میں گرام سبھا کی قرارداد یا سب ڈویژنل کی سفارش میں ترمیم یا اسے مسترد کرنا شامل ہوں یہ کمیٹیاں اس طرح کی ترمیم یا مسترد کرنے کی تفصیلی وجوہات پیش کریں گی اور ایک آرڈر نکالیں گیں، جیسا کہ معاملہ ہوسکتا ہے: بشرطیکہ دعوؤں کی (Rejection) صرف کسی تکنیکی بنیاد (Technical Grounds) پر نہ ہو۔ تکنیکی سطح سے کمزور دعوے واپس گرام سبھا یا کمیٹی کو بھیجے جاسکتے ہیں تاکہ اُنہیں مکمل کر کے دوبارا

(c) چرواہوں (Pastoralists) اور خانہ بدوش قبائل کے دعوے کے عمل کو یقینی بنائے، جو یا تو انفرادی Indvidual Forest Rights، یا مشترکہ Community Forest Rights کے تحت دعویدار ہوں۔ دعوؤں کی تصدیق ایسے وقت میں کی جائے گی جب دعویدار افراد، کمیونٹیز (Communities) یا ان کے نمائندے موجود ہوں؛

(d) اس بات کو یقینی بنائے گی کہ کسی قدیم قبائلی گروپ یا پری زراعت کمیونٹی (Pre-Agriculture Community) کے ممبر کی طرف سے دعویٰ کیا جائے۔

(e) کمیٹی نقشہ تیار کرے گی جس میں ہر دعوے کے رقبے کو واضح کیا گیا ہو جو قابل شناخت نشانات کی نشاندہی کرے گی۔

(f) دوسرے اراکین کے ساتھ کمیونٹی فاریسٹ ریسورس (Community Forest Reserve) کی روایتی حدود کی وضاحت کرے گی۔

(g) فاریسٹ رائٹس کمیٹی FRC کی طرف سے اطلاع ملنے پر، جنگلات اور دوسرے حکام دعوؤں کی تصدیق اور تعین کے دوران موجود رہیں گے۔ سائٹ پر موجود شواہد اور ان کے عہدہ، تاریخ اور comments کے ساتھ کارروائی پر دستخط کریں گے.

(h) اگر جنگلات یا دوسرے محکموں کی طرف سے دعویٰ پر بعد کی تاریخ (Veification کے بعد) کوئی اعتراض کیا جاتا ہے۔ کمیٹی کے ذریعے دوبارہ تصدیق کے لیے گرام سبھا کے پاس بھیج دیا جائے گا۔ اگر سرکاری نمائندے دوبارہ تصدیق (Field Verification) میں شرکت کرنے میں ناکام رہتے ہیں۔ گرام سبھا کا فیصلہ حتمی ہوگا۔

(i) کمیٹی قابل شناخت زمینی نشانات کے ساتھ کمیونٹی جنگلاتی وسائل کا نقشہ تیار کرے گی۔ متعلقہ گرام سبھا مشترکہ طور پر جنگل کی زمین پر رہائش رکھنے والوں کے دعوؤں کی نوعیت پر غور کرنے کے لئے الگ سے ملے۔ اور نتائج کو متعلقہ گرام سبھا کو تحریری طور پر پیش کرے: اگر گرام سبھا متضاد دعوؤں کو حل کرنے کے قابل نہیں ہیں، اسے گرام سبھا کی طرف سے اس کے حل کے لیے سب ڈویژنل سطح کی کمیٹی کو بھیجا جائے گا۔

دوسرے نکات

سب ڈویژنل کمیٹی، گرام سبھا یا فاریسٹ رائٹس کمیٹی کی تحریری درخواست پر گرام سبھا کو معلومات، ریکارڈ یا دستاویزات کی ایک تصدیق شدہ کاپی فراہم کرے گی۔ گرام سبھا یا فاریسٹ رائٹس کمیٹی FRC، جیسا کہ معاملہ ہو، اور اگر ضرورت ہو تو سہولت فراہم کرے،

گرام سبھا کی طرف سے کسی دعوے میں ترمیم یا مسترد (Modification / Rejection) ہونے کی صورت میں

کی طرف سے لئے جائیں گے۔دعوؤں کے ہمراہ کم ازکم دو ثبوت جیسا کہ رول 13 میں بتایا گیا ہے ہونے ضروری ہیں۔ بشرطیکہ گرام سبھا، اگر ضروری سمجھے، دعوے لینے کی مدت کو تین ماہ سے بڑھا بھی سکتی ہے جس کی وجوہات تحریری طور پر درج کرنی ہوں گی۔موصول ہونے والے ہر دعوے کے لئے فاریسٹ رائٹس کمیٹی دعویدار کو رسید دے گی۔

(b) کمیونٹی جنگلاتی وسائل Community Forest Resources کے تعین کے عمل کو شروع کرنے کے لیے ایک تاریخ طے کرگی اور اس ضمن میں کام کرے گی۔فاریسٹ رائٹس کمیٹی گرام سبھا کی اس کے کاموں میں مدد کرے گی۔

دیگر کام

(i) دعویداروں سے مخصوص فارم (ABC) میں دعوے وصول کرے گی، دعوے کی حمایت میں ثبوتوں کی جانچ کرے گی۔

(ii) نقشے تیار کرے گی۔دعوؤں اور شواہد کا ریکارڈ تیار کریں۔

(iii) جنگل کے حقوق کے دعویداروں کی فہرست تیار کریں۔

(iv) دعوؤں کی تصدیق (Field Verification) کرنے کا عمل مکمل کرے گی جیسا کہ ان رولز Rules میں فراہم کیا گیا ہے۔اس کے لئے وہ سب ڈیژن لیول کی کمیٹی کو آگاہ کرے گی تا کہ وہ Forest اور دوسرے محکمہ جات کے اہلکاران کو بھیجیں اور وہ دعوؤں کی تصدیق (Field Verification) کے عمل کا حصہ بنیں۔کمیٹی دعویداروں کہ بھی آگاہ کرے گی کہ وہ دعوؤں کی تصدیق (Field Verification) کے عمل کے دوران موجود رہیں۔اور کمیٹی دعوؤں پر اپنی رپورٹ تیار کرے گی۔

(v) کمیٹی اپنی دعوؤں کی تصدیق Field Verification) رپورٹ گرام سبھا کے سامنے پیش کرے گی۔

(vi) گرام سبھا ذیلی اصول (2) کی شق (v) کے تحت Verification Report پر ،فاریسٹ رائٹس کمیٹی کے زریعے نوٹس جاری کرے گی، اور میٹنگ کے دوران مناسب قراردادیں پاس کرے گی، اور اسے سب ڈویژنل سطح کی کمیٹی کو بھیجے گی۔

(vii) گرام پنچایت کا سکریٹری بھی گرام سبھا کے سکریٹری کے طور پر کام کرے۔

جنگلات کے حقوق کمیٹی کے ذریعے دعوؤں کی تصدیق کا عمل۔

(1) Forest Rights Committee فاریسٹ رائٹس کمیٹی ،سب ڈویژنل کمیٹی کو اور متعلقہ دعویدار اور جنگل کو مناسب اطلاع دینے کے بعد Verification کا عمل شروع کرے گی۔

(a) موقع ملاحظہ کرنے کے لئے دورہ کرے گی اور موقع پر ہی دعوے اور ثبوت کی نوعیت اور حدود کا تعین کرے گی؛

(b) اگر مناسب ہو تو؛ مدعی اور گواہوں سے مزید کوئی ثبوت یا ریکارڈ حاصل کرے گی، ت؛

(c) سیکریٹری، قبائلی یا سماجی بہبود کا محکمہ-رُکن؛

(d) سیکریٹری، محکمہ جنگلات-رُکن؛

(e) سکریٹری، پنچایتی راج-رُکن؛

(f) پرنسپل چیف کنزرویٹر آف فاریسٹ-رُکن؛

(g) قبائلی مشاورتی کونسل کے تین درجِ فہرست قبائل کے رُکن، جنہیں قبائلی مشاورتی کونسل کے چیئرپرسن کی جانب سے نامزد کیا جائے گا۔ قبائلی مشاورتی کونسل کی اور جہاں قبائلی مشاورتی کونسل نہیں ہے، تین شیڈولڈ ٹرائب ارکان ریاستی حکومت کے ذریعہ نامزد کیے جائیں گے۔

(h) کمشنر، قبائلی بہبود یا اس کے مساوی جو ممبر سکریٹری ہوگا۔

ریاستی سطح کی نگرانی کمیٹی کے کام:

ریاستی سطح کی نگرانی کمیٹی کرے گی کہ:

(a) ریاست میں جنگلات کے حقوق کو تسلیم کرنے شناخت اور تصدیق کے عمل کی نگرانی کرے گی۔

(c) شناخت، اور تصدیق کے عمل کی نگرانی کے لیے تین ماہ میں کم از کم ایک بار ملاقات کرے گی۔

جنگل کے حقوق کے بارے میں زمینی سطح کے مسائل پر غور کرے گی اور ان کو حل کو ممکن بنائے گی، اور ہر بار سہ ماہی رپورٹ بھارت سرکار کو پیش کرے گی جس میں تمام دعوؤں کی تفصیل درج ہوگی۔

(d) نوٹس کی وصولی پر جیسا کہ ایکٹ کے سیکشن 8 میں بتایا گیا ہے، اُس پر ایکٹ کے تحت متعلقہ / مناسب کارروائی کرے گی،؛

(e) ایکٹ کے سیکشن 4 کی ذیلی دفعہ (2) کے تحت دوبارہ آبادکاری کی نگرانی کرے گی۔

(f) ذیلی دفعہ (1) کی شق (m) میں موجود دفعات کی تعمیل کرے گی اور سیکشن 3 اور سیکشن 4.16 کی ذیلی دفعہ (8) کی خاص طور پر نگرانی کرے گی۔

گرام سبھا کے ذریعے دعوؤں کو دائر کرنے، تعین کرنے اور ان کی تصدیق کا طریقہ کار وضح کرنا۔

(1) گرام سبھا کیا کرے گی:-

(a) نوٹس نکال کر دعوے طلب کرے گی اور فاریسٹ رائٹس کمیٹی کو فارم میں دعوے قبول کرنے کا اختیار دے گی۔

جیسا کہ ان رولز کے اندر واضح ہے کہ یہ دعوے نوٹس جاری ہونے کے نوے دن کے اندر اندر فاریسٹ رائٹس کمیٹی

(a) ڈسٹرکٹ کلکٹر یا ڈپٹی کمشنر- چیئر پرسن؛

(b) متعلقہ ڈویژنل فارسٹ آفیسر (DFO) یا متعلقہ ڈسٹرکٹ پنچائت آفیسر- اس کمیٹی کے ممبران ہوں گے؛

(c) ضلع پنچایت کے تین ممبران جو ضلع پنچایت کے ذریعہ نامزد کیے جائیں گے، جن میں سے کم از کم دو درج فہرست قبائل ہوں گے، یا جن کا تعلق قدیم قبائلی گروہوں سے ہو، اور جہاں کوئی درج فہرست قبائل نہیں ہیں، دو ارکان جو ترجیحاً دوسرے روایتی جنگل میں رہنے والے (OTFD) ہوں اُن میں سے ممبر چنے جائیں گے، اور ایک خاتون بھی کمیٹی کی رکن ہوگی۔

(d) قبائلی بہبود کے محکمے کا افسر ضلع کا انچارج یا جہاں ایسا افسر نہیں ہے جیسے سرکار فیصلہ لے گی ممبر ہوگا ۔

ضلعی سطح کی کمیٹی کے کام۔

(a) سیکشن 6 کی شق (b) کے تحت مطلوبہ معلومات گرام سبھا کو فراہمی کو یقینی بنائے گئی

(b) اس بات کا جائزہ لے گی کہ آیا تمام دعوے، خاص طور پر قدیم قبائلی گروہوں، Pastoralists چراگاہوں کو استعمال کرنے والے اور دیگر خانہ بدوشوں کو ایکٹ کے مقاصد کو مدنظر رکھتے ہوئے حقوق دیئے جارہے ہیں۔

(c) سب ڈویژنل سطح پر تیار کردہ جنگلات کے حقوق کے دعوؤں اور ریکارڈ پر غور کرے گی اور آخر میں منظوری دے گی۔

(d) سب ڈویژنل سطح کی کمیٹی کے احکامات کے خلاف افراد کی درخواستوں کی سماعت کرے گی؛

(e) بین الاضلاعی دعوؤں کے سلسلے میں دوسرے اضلاع کے ساتھ ہم آہنگی پیدا کرے گی۔

(f) متعلقہ سرکاری (محکمہ مال) ریکارڈ میں جنگلات کے حقوق کو شامل کرنے کے لیے ہدایات جاری کرے گی۔

(g) جنگلات کے حقوق کے ریکارڈ کی اشاعت کو یقینی بنائے گی۔

(h) اس بات کو یقینی بنائے گی کہ ایکٹ کے تحت جنگل کے دئے جارہے مالکاناں حقوق (Title) کے ریکارڈ کی ایک مصدقہ کاپی (Attested Copy)، متعلقہ دعویدار اور گرام سبھا کو فراہم ہو۔

(i) اس بات کو یقینی بنائے گی کہ کمیونٹی جنگلاتی وسائل اور مالکاناں حقوق (Title) کے ریکارڈ کی ایک مصدقہ کاپی، متعلقہ گرام سبھا یا کمیونٹی کو فراہم کرے گی۔

ریاستی سطح کی نگرانی کمیٹی۔

ریاستی حکومت ریاستی سطح کی نگرانی تشکیل دے گی۔ کمیٹی جس میں درج ذیل ممبران شامل ہیں:-

(a) چیف سیکرٹری- چیئر پرسن؛

(b) سیکرٹری، ریونیو ڈیپارٹمنٹ- رُکن؛

(OTFD) ہوں، اور ایک خاتون رکن بھی ہوگی۔

سب ڈویژنل سطح کی کمیٹی (SDLC) کے کام:

(a) ہر گرام سبھا کو ان کے فرائض اور جنگل کے حقوق کے حامل کے فرائض کے بارے میں معلومات فراہم کرے گی۔ اور دیگر اہم نباتات کے حوالے سے جنگلی حیات، جنگلات اور حیاتیاتی تنوع کے تحفظ کے لیے حیوانات جن کے تحفظ اور تحفظ کی ضرورت ہے اُن کے بارے میں گرام سبھا کو جانکاری دے گی۔

(b) گرام سبھا کو جنگل کی تفصیلات، ریکارڈ، جنگل کے نقشے اور انتخابی فہرستیں اور دوسرے کاغذات فراہم کریں۔

(c) متعلقہ گرام سبھا کی تمام قراردادوں کو اکٹھا کرے گی؛

(d) گرام سبھا کے ذریعہ فراہم کردہ نقشوں اور تفصیلات کو یکجا کرے گی۔

(e) دعوؤں کی سچائی کا پتہ لگانے کے لیے گرام سبھا کے قراردادوں اور نقشوں کی جانچ کروائے گی؛

(f) کسی بھی جنگل کے حقوق کی نوعیت اور حد پر الگ الگ گرام سبھاؤں یا فریقوں کے درمیان تنازعات کو سن کر باہمی فیصلہ کرے گی؛

(g) ریاستی اداروں سمیت ان افراد کی درخواستوں کی سماعت کرے گا، جو کہ گرام سبھا کی قراردادوں سے خلاف درخواست دیں گے۔

(h) گرام سبھا اور ذیلی ڈویژنل سطح کی کمیٹیوں کے ساتھ ہم آہنگی پیدا کرے گی؛

(i) مفاہمت کے بعد مجوزہ جنگلاتی حقوق کا بلاک یا تحصیل وار ڈرافٹ ریکارڈ تیار کرے گی۔

(j) اس کمیٹی کے ذریعے مجوزہ جنگلاتی حقوق کے مسودے کے ریکارڈ کے ساتھ دعوے آگے بھیجیں ضلع سطح کمیٹی کو سفارش کے ساتھ حتمی فیصلے کے لیے بھیجے گی۔

(k) جنگل کے باشندوں میں ایکٹ اور قواعد کے تحت طے شدہ مقاصد اور طریقہ کار کے بارے میں بیداری پیدا کرے

(l) دعویداروں کو دعوے بھرنے کے لئے A/B/C فارموں کی آسان اور مفت دستیابی کو یقینی بنائیں جیسا کہ ایکٹ اور قانون کے ضمیمہ میں فراہم کیا گیا ہے۔

(m) گرام سبھا کی میٹنگیں آزادانہ، کھلے اور منصفانہ انداز میں منعقد کی جائیں گی۔

ضلع سطح کی کمیٹی:

ریاستی حکومت ضلع سطح کی کمیٹی (DLC) تشکیل دے گی۔

مندرجہ ذیل اراکین کے ساتھ، یعنی:-

بھیجیں گے۔

(d) ایکٹ کے سیکشن 4 کی ذیلی دفعہ (2) کی شق (e) کے تحت دوبارہ آبادکاری کے پیکجوں پر غور کرے گی اور مناسب قراردادیں منظور کرے گی؛ اور

(e) جنگلی حیات، جنگلات اور حیاتیاتی تنوع کے تحفظ کے لیے کمیٹیاں تشکیل دے گی اور ایکٹ کے سیکشن 5 کی دفعات کو انجام دینے کے لیے۔ شق (f) اور (e) کے تحت تشکیل دی گئی کمیٹیاں جنگل کی نگرانی اور کنٹرول کرے گیں۔ پائیدار طور پر کمیونٹی جنگلاتی وسائل کے تحفظ اور انتظام کا منصوبہ بنائے گی۔ اور جنگل میں رہائش کے فائدے کے لیے ایسے کمیونٹی جنگلاتی وسائل کا منصفانہ انتظام کرے گی۔ درج فہرست قبائل اور دیگر روایتی جنگل کے باشندگان اور اس طرح کے تحفظ کو مربوط کرے گی اور عوامی سطح پر انتظامی منصوبوں کے ساتھ جنگل کی مینجمنٹ پلان بنائے گی۔

(g) ٹرانزٹ پرمٹ (راہداری پرمٹ) transit permits کے اجراء کے گی۔

(2) گرام سبھا کے اجلاس کا کورم اس طرح ہوگا کہ؛ (پنچائت میں رہنے والے 18 سال کا ہر فرد گرام سبھا کا ممبر ہوگا خواہ وہ ووٹر ہو یا نہ ہو) تمام اراکین کے نصف 50 فیصد سے کم نہ ہوں۔ بشرطیکہ موجود اراکین میں سے کم از کم ایک تہائی خواتین ہوں: مزید یہ کہ جہاں جنگلات کے حقوق کے دعوؤں کے سلسلے میں کوئی قرارداد منظور کی جائے وہاں جنگل کے حقوق کے دعویداروں میں سے کم از کم پچاس فیصد یا ان کے نمائندے موجود ہوں گے: اگر قرارداد پر ووٹ ہوں تو ایسی قراردادیں حاضرین کی سادہ اکثریت سے منظور کی جائیں یعنی 25 فیصد سے زائد لوگ قرارداد کے حق میں ہوں۔

(3) گرام سبھا کو ریاست میں حکام کے ذریعہ ضروری مدد فراہم کی جائے گی۔

سب ڈویژنل سطح Sub-Division Level Committee کی کمیٹی :

ریاستی حکومت سب ڈویژن لیول کی کمیٹی تشکیل دے گی۔

کمیٹی جس میں درج ذیل ممبران شامل ہیں:-

(a) علاقے کا ایڈیشنل ڈپٹی کمشنر (Additional Deputy Commissioner) یا جہاں سب ڈویژنل مجسٹریٹ SDM ہو وہاں سب ڈویژنل مجسٹریٹ SDM -چیئرپرسن ہوگا؛

(b) رینج آفیسر Forest Range Officer ، بلاک ڈولپمنٹ آفیسر BDO- کمیٹی کے ممبران ہوں گے؛

(c) بلاک یا تحصیل سطح کی پنچایتوں کے تین ممبران بھی کمیٹی میں شامل ہوں گے جو ضلع پنچایت کے ذریعہ نامزد کیے جائیں گے۔ جن میں سے کم از کم دو درج فہرست قبائل (ST) ہوں گے ترجیحاً وہ جو جنگل میں رہنے والے ہیں، یا جن کا تعلق قدیم قبائلی گروہوں سے ہے اور جہاں کوئی درج فہرست قبائل نہیں ہیں، وہاں دوسرے روایتی جنگل میں رہنے والے

فاریسٹ رائٹس سے متعلق چند ضروری معلومات وہدایات

Forest Rights Committee فاریسٹ رائٹس کمیٹی:

گرام سبھا گرام پنچایت کے ذریعہ بلائی جائے گی اوراس کی پہلی میٹنگ میں Forest Rights Committee فاریسٹ رائٹس کمیٹی (FRC) منتخب کی جائے گی۔اس کے اراکین کی تعداد، دس سے کم نہیں بلکہ پندرہ افراد سے زیادہ نہ ہو۔جس میں کم ازکم دوتہائی ممبران ہوں درج فہرست قبائل ST ہوں۔بشرطیکہ تمام ارکان میں سے کم ازکم ایک تہائی خواتین ہوں۔مزید یہ کہ جہاں کوئی درج فہرست قبائل نہیں ہیں، کم ازکم ایک تہائی ایسے ارکان ہوں خواتین ہوں گی.

Forest Rights Committee فاریسٹ رائٹس کمیٹی (FRC) اپنا ایک چیئر پرسن اورسیکرٹری چنے گی اورا س ضمن میں سب ڈویژنل سطح کی کمیٹی آگاہ کرے گی۔

جب فاریسٹ رائٹس کمیٹی (FRC) کے کارکن (Member) بھی جنگل پر حق کا دعویدار ہو،تو وہ کمیٹی کو مطلع کرے گا اور جب اس کا دعویٰ ہوتو وہ اپنی تصدیق Verification کی کارروائی میں حصہ نہ لے۔فاریسٹ رائٹس کمیٹی (FRC) پہلے سے تسلیم شدہ جنگلات کے حقوق یا عمل کو دوبارہ نہیں کھولے گی۔فاریسٹ رائٹس کمیٹی (FRC) دعوؤں کی تصدیق کرے گی۔

فاریسٹ رائٹس کمیٹی (FRC) میں چیر پرسن اورسکریٹری کو کمیٹی ممبران کبھی بھی ووٹ کرکے بدل سکتے ہیں ۔اکثریت کی رائے یا ووٹنگ سے FRC کے ممبران اپنا نیا چیرمین یا سکریٹری یا دونوں چُن سکتے ہیں۔گرام سبھا کبھی بھی ایک میٹنگ کر کے فاریسٹ رائٹس کمیٹی (FRC) کو بدل سکتی ہے۔تاہم نئی کمیٹی کی اطلاع سب ڈیژن لیول کمیٹی (Sub Dvision Level Committee) کو دیا جانا لازم ہے۔

گرام سبھا کے کام:

(1) گرام سبھا، درج ذیل کام کرے گی:

(a) سبھا فاریسٹ رائٹس کمیٹی (FRC) کے زریعہ جنگل کے حقوق سے متعلق دعوے وصول کرے گی اور جنگل کے حقوق کی نوعیت اور حد کا تعین کرنے کا عمل شروع کرے گی،

(b) سبھا فاریسٹ رائٹس کمیٹی (FRC) کے زریعے جنگلات کے حقوق کے دعویداروں کی فہرست تیار کرے گی اوراس طرح کی تفصیلات پر مشتمل ایک رجسٹر بنائے گی۔

(c) جنگلات کے حقوق کے دعوؤں پر قرارداد پاس کرے گی۔متعلقہ افراد FRC ممبران سب دعووں کو ڈویژنل سطح پر

4۔ یہ کہ مذکورہ منصوبے یا سہولیت کی دستیابی کو..... سرکاری اسکیم، یا پنچایت کے تحت منظوری مل چکی ہے۔

5۔ یہ کہ مذکورہ کام/سہولیت علاقے کے لیے اشد ضروری ہے۔

6۔ مجوزہ پروجیکٹ /انفراسٹرکچر کے لیے فی ہیکٹر (جو 19.8 کنال کے برابر ہوتا ہے) پر پچھتر سے زیادہ درختوں کو کاٹنے کی ضرورت نہ ہے۔ اس کے علاوہ مذکورہ مقاصد کے لیے جس جنگل کی زمین کو منتقل کے دستیاب کروانے کی سفارش کی جارہی ہے وہ ایک ہیکٹر سے کم ہے(جو 19.8 کنال کے برابر)۔

7۔ زمین کے بارے میں تفصیلات ذیل میں دی جارہی ہیں

تجویز شدہ زمین کا کُل رقبہ جو استعمال میں آئے گا.....

تجویز شدہ زمین کی نوعیت..... بنجر.... جنگل..... رستہ یا جو بھی زمین کی نوعیت ہو وہ لکھیں:

7۔ یہ کہ گرام سبھا اس تجویز کو منظور کرتے ہوئے زمین کو فوری طور پر منتقل اور دستیاب کروانے کی منظوری کی سفارش کرتی ہے۔

دستخط اراکینِ گرام سبھا، پنچائت۔۔۔

گرام سبھا کی قرارداد Gram Sabha Resolution

عوامی سہولیات کے منصوبوں کے لیے زمین کی منتقلی

Diversion of Land for Public facilities Projects: FRA Section 2

درج فہرست قبائل اور دیگر روایتی جنگلات کے باشندوں کے تحت

فاریسٹ رائٹس ایکٹ، 2006 (FRA) سیکشن 2

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آج مورخہ .....بمقام ..... گرام سبھا

(پنچایت ... ... گاؤں ... ...

تحصیل ..... ضلع .....جموں وکشمیر میں ایک میٹنگ منعقد ہوئی۔ میٹنگ ہذا میں درج ذیل قرارداد پاس کی گئی:

1۔ یہ کہ مذکورہ پنچایت میں رہنے والے عوام کو سہولیات فراہم کرنے کے لیے فاریسٹ رائٹ کمیٹی نے گرام سبھا کو آگاہ کیا کہ فاریسٹ رائٹس ایکٹ، 2006 (FRA) کی سیکشن 2 کے تحت گرام سبھا کو اختیار ہے کہ وہ قرارداد کے زریعے عوامی سہولیات کے منصوبوں کے لیے زمین کی منتقلی اور دستیابی کے لئے سفارشات کرے۔

2۔ یہ کہ جنگلات کے حقوق کی کمیٹی نے گرام سبھا کو مطلع کیا کہ فاریسٹ رائٹس ایکٹ، 2006 سیکشن 2 کے مطابق، گرام سبھا کو (a) اسکول۔ (b) ڈسپنسری یا ہسپتال؛ (c) آنگن واڑی؛ (d) مناسب قیمت کی دکانیں (fair price shops)؛ (e) بجلی اور ٹیلی کمیونیکیشن لائنیں؛ (f) ٹینک اور دیگر چھوٹے آبی ذخائر؛ (g) پینے کے پانی کی فراہمی اور پانی کی پائپ لائنیں؛ (h) پانی یا بارش کے پانی کے ذخیرہ کرنے کے ڈھانچے؛ (i) آبپاشی کی چھوٹی نہریں؛ (j) توانائی کا غیر روایتی ذریعہ؛ (k) اسکل اپ گریڈیشن یا ووکیشنل ٹریننگ سینٹرز؛ skill up-gradation or vocational training centers; (l) سڑکیں؛ اور (m) کمیونٹی سینٹرز وغیرہ بنانے کے لئے قرارداد پیش کر کے زمین کی منتقلی اور دستیابی کروانے کا اختیار ہے۔

3۔ یہ کہ اسی کے مطابق گرام سبھا نے فاریسٹ رائٹ کمیٹی نے گرام سبھا کے سامنے تجویز پیش جو ذیل میں درج ہے۔

علاقہ ہذا میں ..... سہولیت کے لئے زمین کی منتقلی اور دستیابی کی اشد ضرورت ہے۔

دستخط اراکینِ گرام سبھا، پنچائت۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔گاؤں۔۔۔۔۔۔۔۔۔۔۔تحصیل
۔۔۔۔۔۔۔۔۔۔۔ضلع۔۔۔۔۔۔۔۔۔۔۔۔۔۔جموں وکشمیر

نمبر شمار	نام معہ ولدیت	قوم	عمر	دستخط یا انگھوٹھا

نمبر شمار	دعویدار کا نام	دعویدار شیڈیول ٹرائب ST ہے یا OTFD دوسرا روایتی باشندہء جنگلات ہے۔	دعوے کی نوعیت انفرادی حقوق (Indvidual Rights/مشترکہ حقوق) Community Rights)	جنگلی وسائل پر Rights on Minor Forest Produces دعویدار کا حق ہے ہاں ایا نہ

7۔فاریسٹ رائٹس کمیٹی (FRC) کی رپورٹ کوآج مورخہ۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔منظوری کے لیے گرام سبھا کے سامنے پیش کیا گیا جو کے فاریسٹ رائٹس ایکٹ 2006اور فاریسٹ رائٹس قوانین 2008 کے تحت درست پائی گئی لہذا گرام سبھا کُل ----------دعویداروں کے حق میں حقوق واگذار کرنے کے لیے سب ڈویژن لیول کمیٹی کوتحت ضابطہ سفارشات بذریعہ قرارداد پیش کرتی ہے۔

8۔یہ کہ ہم، گرام سبھا/ پنچایت کے ممبر اس بات کی تصدیق کرتے ہیں کہ ہیں دعویدار جنگلات سے ہی اپنی روزی روٹی کماتے ہیں۔دعویدار کا کنبہ جنگل اور جنگل کی پیداوار پر منحصر ہے۔

9۔یہ کہ فاریسٹ رائٹس کمیٹی کی طرف سے فراہم کردہ معلومات کے مطابق FRC کا کوئی بھی ممبر، جب اُس کا دعویٰ تصدیق کے لئے سامنے آیا وہ تصدیق کے عمل کا حصہ نہیں تھا۔

10۔یہ کہ گرام سبھا نے یہ قرارداد بھی پاس کی کے جنگل میں رہنے والے وہ لوگ جو جنگلی وسائل (Minor Forest Produces) پر گزر بسر کرتے ہیں کے حق میں جنگلوں کے علاقوں میں موجود آبی ذخائر، پگڈنڈیوں، قبرستانوں، مقدس مقامات، مزارات، اور جنگل کی زمین پر مشترکہ جگہوں کے ساتھ ساتھ غیر تعمیراتی لکڑی اور معمولی جنگلاتی مصنوعات پر حق اجراء کیا جائے جو کہ ان کی روایت میں شامل ہیں۔

11۔یہ کہ ہم، گرام سبھا کے اراکین، اس قرارداد (Resolution) کے ذریعے یہ سفارش (Recomendation) کرتے ہیں کہ درج فہرست قبائل (ST) اور دیگر روایتی جنگلات کے باشندوں OTFD فاریسٹ ایکٹ، 2006ا ***Scheduled Tribes and Other Traditional Forest Dwellers*** - ***(Recognition of Forest Rights)Act -2006 & Rules, 2007-08*** کے تحت دعویداروں کے حقوق کو 'انفرادی حقوق Indvidual Rights)'/مشترکہ حقوق (Community Rights) کوفوری تسلیم کیا جائے تسلیم کیا جاسکتا ہے۔

دعویداروں کی فہرست اور دیگر تفصیلات مندرجہ ذیل ہیں.

Gram Sabha Resolution گرام سبھا قرارداد

(Recognition of Forest Rights) Act, 2006 (FRA) Article 6(1)

آج مورخہ.....بمقام..... گرام سبھا (پنچایت) کی میٹنگ..... گاؤں..... تحصیل ..... ضلع.....جموں وکشمیر میں منعقد ہوا۔اس موقع پر درج ذیل قرارداد پاس کی گئی:

1۔ یہ کہ گرام سبھا کی ایماء پر پنچایت ہذا کی حدود میں رہنے والے شیڈولڈ ٹرائب اور دوسرے روایتی جنگل کے مکینوں سے ایک نوٹس کے زریعے جنگل کی زمین پر انفرادی حقوق اور مشترکہ حقوق یا دونوں کی نوعیت اور حدود کا تعین کرنے کے لئے دعوے طلب کئے گئے تھے۔

2۔ یہ کہ نوٹس کے جواب میں فاریسٹ رائٹس کمیٹی (FRC) کو دعویداروں کی طرف سے انفرادی حقوق Indvidual Rights (Form A) کے تحت کُل ۔۔۔۔۔۔۔۔۔۔۔۔۔۔دعوے اور مشترکہ حقوق کے تحت (Community Rights - Form B) کے زمرے میں کُل .....دعوے وصول ہوئے۔

3۔ یہ کہ موصل شدہ تمام دعوؤں کی FRC کے ذریعے جانچ پڑتال کی گئی ہے اور کل دعوؤں میں سے.....دعوؤے تصدیقی عمل Verification کے لیے اہل پائے گئے۔

4۔ یہ کہ ایکٹ اور قوانین کی روشنی میں فاریسٹ رائٹس کمیٹی (FRC) نے سب ڈویژن لیول کمیٹی SDLC کو اطلاع کے ساتھ دعووں/شواہد کی موقع پر تصدیق کے لیے ایک شیڈول طے کر کے دعوت دی کہ وہ اپنے سرکاری اہلکاران شڈیول کے مطابق روانہ کرے تاکہ Joint Verification کا عمل مکمل کیا جاسکے۔

5۔ یہ کہ دعوؤں کو جانچنے اور تصدیق کرنے کے لیے جنگلات کے حقوق کی کمیٹی نے پوری مستعدی کے ساتھ موقع پر ملے شواہد کی تصدیق کا عمل انجام دیا ہے۔ایف آر سی نے قوانین کے سیکشن 13 کے تحت جنگل کے مکینوں کے اپنے دعوؤں کی حمایت میں فراہم کردہ ثبوتوں کی بھی جانچ پڑتال کی۔

6۔ یہ کہ دعوؤں پر غور کرنے اوشواہد کی تصدیق کے بعد، فاریسٹ رائٹس کمیٹی (FRC) نے جنگلات کے نے ہر دعوے پر ایک رپورٹ تیار کی جو اس قرارداد کے ساتھ منسلک ہے۔

نوٹس : گرام سبھا میٹنگ-Notice Gram Sabha Meeting

The Scheduled Tribes and Other Traditional Forest Dwellers

(Recognition of Forest Rights) Act 2006 & FRA Rules, 2007

اطلاعِ عام

گرام سبھا بذریعہ فاریسٹ رائٹس کمیٹی Forest Rights Committee، سبھا کے تمام ممبران کو مطلع کرتی ہے کہ جنگل کی زمین پر انفرادی حقوق (Indvidual Rights) اور مشترکہ حقوق (Community Rights) رکھنے والے شیڈیول ٹرائب (ST) اور جنگل کے دیگر روایتی باشندوں (OTFD) سے فاریسٹ رائیٹس ایکٹ 2006 کے تحت دعوؤں کی وصولی اور تصدیق کا عمل مکمل کرلیا ہے۔ مزید فاریسٹ رائٹس کمیٹی نے تمام ضروری کاغذات اور سیکشن 13 کے تحت پیش کئے گئے ثبوتوں کی موقع جانچ کر کے اپنی رپورٹ گرام سبھا کو پیش کی ہے۔ پیش کی گئی رپورٹ پر فیصلہ لینے کے لئے گرام سبھا کی ایک میٹنگ

بمقام۔۔۔

گاؤں :

گرام پنچائت :

تحصیل :

ضلع : جموں وکشمیر

دستخط بمعہ مہر

چیرمین

دستخط بمعہ مہر

سکریٹری

DATED :

PLACE:

۵۔ نزدیکی زمین پر باقی پرانے نشانات کی تفصیل لکھیں

\دوسرے اہم نکات

ا۔کیا دعویدار شڈیول ٹرائب Scheduled Tribe ہے۔

اگر ST ہے تو تفصیلات لکھیں۔

۲۔ اگر دعویدار (غیر شڈیول ٹرائب) باشندہء جنگلات ہے تو کیا اس کے پاس تین نسلوں کے قبضے کے ثبوت ہیں تفصیل سے لکھیں۔----------

اگر فاریسٹ رائٹس کمیٹی دئے گئے ثبوتوں سے مطمئن نہ ہے تو تفصیل لکھیں:

دیگر تفصیلات

ا۔کیا محکمہ مال نے جس زمین پر دعویٰ کیا گیا ہے اُس کی پیمائش کی: ہاں۔۔۔یا۔۔۔نہیں

۲۔آیا دعوی کے تحت زمین کا نقشہ تیار کیا گیا ہے: ہاں۔۔۔یا۔۔۔نہیں

۳۔کیا زیرِ دعویٰ زمین کی حدود کو نشان زد کیا گیا ہے: ہاں۔۔۔یا۔۔۔نہیں

آیا دعویدار کو تصدیق سے پہلے مطلع کیا گیا تھا: ہاں۔۔۔یا۔۔۔نہیں

تصدیق کی تفصیلات:

(i) دعویدار/نمائندہ موجود (نام):

(ii) فاریسٹ آفیسر جو حاضر تھا اُس کا نام لکھیں: (موجود ہونے کی صورت میں)

(iii) محکمہ مال کا جو اہلکار تصدیقی عمل کے دوران حاضر تھا اُس کا نام لکھیں: (موجود ہونے کی صورت میں)

کمیٹی کی سفارشات:

اگر کمیٹی دعوے کے خلاف ہے تو تفصیل لکھے:

کمیٹی دعویدار کے حق میں حقوق جو اسے ایکٹ ہذا دیتا ہے فوری واگذار کرنے کی سفارش کرتی ہے۔

فاریسٹ رائٹس کمیٹی Forest Rights Committee ممبر

نمبر شمار	نام	عہدہ	دستخط

۳۔مقامی چراگاہوں تک رسائی۔----------

۴۔ راستوں پر عارضی قیام کی جگہیں۔----------

۵۔جنگل کے راستے/قریبی علاقے/گاؤں تک رسائی۔----------

۶۔جنگلاتی برادریوں کے مشترکہ مقامات جیسے کھیلوں کی جگہیں/ بیٹھنے کی جگہیں/کشتی کے علاقے پر مشترکہ حقوق۔----------

دیگر تفصیلات شامل کریں (اگر کوئی ہے تو لکھیں)۔

7۔ دعویدار کی طرف سے دعوے کے حق میں درج ذیل ثبوت پیش کئے:

7. Evidence in support:

(See Rule 13)

نمبر شمار	ثبوت	جاری کردہ معہ تاریخ اور سال

دیگر جو ثبوت موقع پر دیکھے گئے:

8۔کوئی اور تفصیلات اگر ہوں تو یہاں لکھیں:Any other information .

۱۔مکان،کُلا،جھونپڑی وغیرہ تفصیل لکھیں:----------

۲۔فصلیں زمین پر جو اُگا رہا ہے:----------

۳۔نزدیکی پانی کے مقامات----------

۴۔قبرستان یا شمشان گھاٹ----------

راستوں سے متعلق کوئی دوسری تفصیل زیادہ ہوں تو ساتھ نتھی کریں:

.4۔ قبائیل خاص کر Primitive Tribal Group کتنا عرصہ کس جگہ رکتے ہیں:

4. Community tenures of habitat and habitation for PTGs and pre-agricultural communities, if any:

(See Section 3(1)(e) of the Act)

جواب: جموں کشمیر میں کوئی بھی قبیلہ Primitive Tribal Group نہیں ہے۔

5۔ دعویدار کے جنگل کی حیاتیات اور روایتی علم پر حقوق جو وہ جنگلوں کے اندر کی زندگی کے بارے میں ہے رکھتا ہے ذیل میں درج ہیں۔

5. Right to access biodiversity, intellectual property and traditional knowledge, if any:

(See Section 3(1)(k) of the Act)

ا۔جنگلی جانوروں کے بارے میں جانکاری۔۔۔

ڈھوک بہک----------

رکھ----------

فاریسٹ بیٹ نمبر----------

فاریسٹ کمپارٹمنٹ نمبر----------

(c) دعویدار خانہ بدوش ہے اور ایک چرواہا ئے کے طور پر ذیل میں دیئے گئے راستوں سے اپنی چراگاہوں کی طرف رسائی حاصل کرتا ہے۔

(c) Traditional resource access for nomadic and pastoralist, if any:

(See Section 3(1)(g) of the Act)

تاریخ جب سفر شروع کرتا ہے	جگہ جہاں سے سفر شروع کرتا ہے	جگہ جہاں ایک روز میں پہنچتا ہے

۳۔جنگلی شہد پر، کچھ(جیکن پر)،لاکھ پر
۴۔بانس پر،ریشم کے کیڑوں پر،یا کوئی دوسری چیز پر۔
۵۔کچھ اور ہوتو بھی لکھیں:

3۔مشترکہ حقوق:

3. Community rights

(c) Traditional resource access for nomadic and pastoralist, if any:

(See Section 3(1)(g) of the Act)

فاریسٹ رائٹس کمیٹی نے دعوؤں کی تصدیق (Verification) کے دوران پایا کہ دعویدار کے مشترکہ حقوق ذیل میں درج ہیں:

(a)دعویدار کے آبی وسائل پر حقوق :

(a) Uses or entitlements (fish, water bodies), if any:

تالاب----------
چشمہ----------
دریا----------
نہر----------
کسی،وغیرہ----------

(b)چراگاہیں جن پر دعویدار حقوق رکھتا ہے:

(b) Grazing, if any

سردیوں کی چراگاہیں----------
جنگل----------
فاریسٹ بیٹ نمبر----------
فاریسٹ کمپارٹمنٹ نمبر----------
اڑاں----------
رکھ----------
گرمیوں کی چراگاہیں----------
جنگل----------

Community Rights : Verification Report -Form B

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008

تصدیقی رپورٹ: مشترکہ حقوق (فارم بی)

1۔دعویدار کا نام (اگر دعویدار زیادہ ہوں تو فہرست ساتھ نتھی کریں)

1. Name of the claimant(s):

(الف)۔کیا دعویدار شڈیول ٹرائب ہے: (a) FDST community: ہاں۔۔۔نہیں Yes/No

(ب)۔روایتی باشندہ ءجنگلات ہے: (b) OTFD community: Yes/No ہاں۔۔۔نہیں

2۔گاؤں Village :

3۔گرام پنچائت 3. Gram Panchayat::

4۔تحصیل 4. Tehsil/Taluka::

5۔ضلع 5. District:: جموں وکشمیر

دعویدار جنگلات کی زمین پر کس طرح کے حقوق رکھتا ہے

Nature of community rights enjoyed:

1۔مشترکہ حقوق کی نوعیت:

1. Community rights such as nistar, if any:

(See Section 3(1)(b) of the Act)

کیا یہ حقوق نستر یا واجب العرض میں درج ہیں: ہاں۔۔۔نہیں

کیا محکمہ جنگلات کے پاس چراگاہ درج ہے: ہاں۔۔۔نہیں

کیا دعویدار کے حق میں چراگاہ درج ہے : ہاں۔۔۔نہیں

2۔کیا دعویدار جنگلات کی اشیاء Minor Forest Produce پر اپنا دعویٰ رکھتا ہے جو نیچے درج ہیں:

2. Rights over minor forest produce, if any:

(See Section 3(1)(c) of the Act)

ا۔تعمیری لکڑی کے علاوہ لکڑی پر جس میں جلانے کی لکڑی بھی ہے۔

۲۔جنگلی جڑی بوٹیوں پر، درختوں کی جڑوں اور چھال پر، چھانگ پر

گاؤں :

گرام پنچائت :

تحصیل :

ضلع : جموں وکشمیر

دستخط بمعہ مہر

چیرمین

دستخط بمعہ مہر

سکریٹری

DATED :

PLACE:

ا۔کیادعویدار شڈیول ٹرائب Scheduled Tribe ہے۔
اگر ST ہے تو تفصیلات لکھیں۔
۲۔ اگر دعویدار (غیر شڈیول ٹرائب) باشندہء جنگلات ہے تو کیا اس کے پاس تین نسلوں کے قبضے کے ثبوت ہیں تفصیل سے لکھیں۔----------

اگر فاریسٹ رائٹس کمیٹی دیئے گئے ثبوتوں سے مطمئن نہ ہے تو تفصیل لکھیں:

دیگر تفصیلات

ا۔کیا محکمہ مال نے جس زمین پر دعویٰ کیا گیا ہے اُس کی پیمائش کی: ہاں۔۔۔یا۔۔۔نہیں
۲۔آیا دعوی کے تحت زمین کا نقشہ تیار کیا گیا ہے: ہاں۔۔۔یا۔۔۔نہیں
۳۔کیا زیرِ دعویٰ زمین کی حدود کو نشان زد کیا گیا ہے: ہاں۔۔۔یا۔۔۔نہیں

آیا دعویدار کو تصدیق سے پہلے مطلع کیا گیا تھا: ہاں۔۔۔یا۔۔۔نہیں
تصدیق کی تفصیلات:
(i) دعویدار/نمائندہ موجود (نام):
(ii) فاریسٹ آفیسر جو حاضر تھا اُس کا نام لکھیں: (موجود ہونے کی صورت میں)
(iii) محکمہ مال کا جو اہلکار تصدیقی عمل کے دوران حاضر تھا اُس کا نام لکھیں: (موجود ہونے کی صورت میں)
کمیٹی کی سفارشات:
اگر کمیٹی دعوے کے خلاف ہے تو تفصیل لکھے:
کمیٹی دعویدار کے حق میں حقوق جو اسے ایکٹ ہذا دیتا ہے فوری واگذار کرنے کی سفارش کرتی ہے۔
فاریسٹ رائٹس کمیٹی Forest Rights Committee ممبر

نمبر شمار	نام	عہدہ	دستخط

دیگر تفصیلات شامل کریں (اگر کوئی ہے تو لکھیں)۔

8۔ دعویدار کی طرف سے دعوے کے حق میں درج ذیل ثبوت پیش کئے:

8. Evidence in support:

(See Rule 13)

نمبر شمار	ثبوت	جاری کردہ معہ تاریخ اور سال

دیگر جو ثبوت موقع پر دیکھے گئے:

۱۔ مکان، کُلا، جھونپڑی وغیرہ تفصیل لکھیں:----------

۲۔ فصلیں زمین پر جو اُگا رہا ہے:----------

۳۔ نزدیکی پانی کے مقامات----------

۴۔ قبرستان یا شمشان گھاٹ----------

۵۔ نزدیکی زمین پر باقی پرانے نشانات کی تفصیل لکھیں:

9۔ کوئی اور تفصیلات اگر ہوں تو یہاں لکھیں:

دوسرے اہم نکات

مکان	
جانوروں کے لئے باڑہ، بانڈی وغیرہ	
درخت یا جانوروں ک ستانے کی جگہ، رقبہ	
دوسرے وسائیل پانی وغیرہ کے لئے رکھی گئی زمین تفصیل لکھیں:	
راستوں کی تفصیل	
دیگر تفصیل اگر کوئی ہو:	

پارٹ بی

(b) زراعت کے لئے زمین (b) for self-cultivation, if any: (See Section 3(1) (a) of the Act)	زیرِ قبضہ رقبہ کنال مرلہ
ا۔فصل کی نوعیت	
۲۔فصل دوم کی نوعیت	
گھاس کے لئے زمین رکھ وغیرہ	
سبزیاں اُگانے کی زمین	

2۔اگر زیرِ قبضہ رقبہ پہ تنازعہ ہو تو مقدمہ کی تفصیل لکھیں:

disputed lands if any:

(See Section 3(1)(f) of the Act)

3۔اگر دعویدار کے پاس کوئی پٹہ، لیز، گرانٹس، یا کوئی بھی اس طرح کا حکم نامہ ہو تو تفصیل لکھیں:

3. Pattas/leases/grants, if any:

Individual Rights- Verification Report -Form A

The Scheduled Tribes and Other Traditional Forest

Dwellers (Recognition of Forest Rights) Rules, 2008

انفرادی حقوق: تصدیقی رپورٹ (فارم اے)

انفرادی حقوق Individual Rights Claims دعوؤں پر فاریسٹ رائٹس کمیٹی کی رپورٹ

۱۔دعویدار کا نام :1. Name of the claimant (s) :

۲۔شریکِ حیات کا نام :2. Name of the spouse

۳۔والدین کا نام:3. Name of father/mother

۴۔پتہ::4. Address

۵۔گاؤں کا نام::5. Village

۵۔پنچایت کا نام::6. Gram Panchayat

۶۔تحصیل 7. Tehsil/Taluka::

۷۔ضلع 8. District (J&K) : جموں وکشمیر

۹۔ (a)دعویدار شیڈیول ٹرائب ہے: ہاں۔۔۔نہیں

9. (a) Scheduled Tribe: Yes/No (Attach authenticated copy of Certificate)

(b)دعویدار روایتی باشندۂ جنگلات ہے(Non-ST): ہاں۔۔۔نہیں (b) OTFT ?Yes/No

شریک حیات شیڈیول ٹرائب ہوتو سرٹیفکیٹ لاگانویں:

(If a spouse is a Scheduled Tribe (attach authenticated copy of certificate certificate

دعویدار کے جنگلات کی زمین حقوق کی نوعیت

Nature of claim on land:

۱۔دعویدار کا جنگلات کی زمین پر قبضہ اور استعمال کی تفصیلات:Extent of forest land occupied

(b) for self-cultivation, if any:See Section 3(1) (a) of the Act)

(a)رہائش کے لئے زمین: (a) for habitation	زیرِ قبضہ رقبہء جنگلات کی تفصیلات کنال مرلہ

فاریسٹ رائٹس کمیٹی کی جانب سے جاری کردہ نوٹس

دعوؤں کی تصدیق Verification of Claims

Verification of Claims under Section 11 (2)(iv) and 12 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008

دعوؤں کی تصدیق کا شڈیول ---Verification Schedule

نمبر شمار	دعویداران کا نام	دعوؤں کی تصدیق کی تاریخ	دعوؤں کی تصدیق کا وقت

Notice نوٹس

Verification of Claims دعوؤں کی تصدیق

(فاریسٹ رائٹس ایکٹ، 2006)

Verification of Claims under Section 11 (2)(iv) and 12 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008

فاریسٹ رائٹس کمیٹی Forest Rights Committee تمام دعویداروں کو بذریعہ نوٹس کو مطلع کرتی ہے کہ جنگل کی زمین پر انفرادی حقوق (Indvidual Rights) اور مشترکہ حقوق (Community Rights) رکھنے والے شیڈیول ٹرائب (ST) اور جنگل کے دیگر روایتی باشندوں (Other Traditional Forest Dewellers) کی جانب سے فاریسٹ رائٹس کمیٹی Forest Rights Committee ، کے پاس جمع کروائے گئے دعوؤں پر تحت ضابطہ کاروائی شروع کردی گئی ہے اور دعوں کی تصدیق (verification) کا عمل اگلے چندروز میں مکمل ہونے جارہا ہے۔ اس سلسلے میں دعویداروں سے التماس ہے کہ وہ نوٹس کے ساتھ دئے گئے شڈیول کے مطابق اپنے متعلقہ کاغذات اور سیکشن 13 کے تحت پیش کئے گئے ثبوتوں کے ہمراہ موقع ہذا (جس زمین پر دعویداری رکھتے ہوں) پر موجود رہیں تا کہ اُن کے دعوؤں پر تصدیق کا عمل مکمل کیا جاسکے۔

جاری کردہ:

گرام سبھا (پنچایت) ..... گاؤں .....

تحصیل .... ضلع ..... جموں وکشمیر

بتاریخ ----------

نام:	نام:
چیئرمین	سیکرٹری
فاریسٹ رائٹ کمیٹی	فارسٹ رائٹ کمیٹی
مہر	مہر

" فاریسٹ رائٹس ایکٹ 2006 کے رول سیکشن 12/11 کے تحت جاری کردہ

فاریسٹ رائٹس ایکٹ 2006

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition Of Forest Rights) Act, 2006

**

Receipt of Claims submitted under FRA

رسید دعویٰ کاغذات

1۔دعویدار کا نام۔۔۔

۱۔مکان،کُلا،جھونپڑی وغیرہ تفصیل لکھیں:_____

۲۔فصلیں زمین پر جواُگا رہا ہے:_____

۳۔نزدیکی پانی کے مقامات:_____

۴۔قبرستان یا شمشان گھاٹ_____:

۵۔ نزدیکی زمین پر باقی پرانے نشانات کی تفصیل لکھیں:

8۔کوئی اور تفصیلات اگر ہوں تو یہاں لکھیں:

8. Any other information

دعویدار کے دستخط یا انگھوٹھے کا نشان

Signature/Thumb Impression of the Claimant(s):

فاریسٹ رائٹس ایکٹ 2006 رول 2007

The Scheduled Tribes and Other Traditional Forest Dwellers

(Recognition of Forest Rights) Rules, 2007

حکومتِ ہند Government of India:

وزارت قبائیلی امور Ministry of Tribal Affairs

DATED:

PLACE:

(See Section 3(1)(l) of the Act)

۱۔ان روایتی اور مقدس مقامات تک رسائی راستوں وغیرہ کے نام لکھیں:

_____

۲۔جانوروں کے بیٹھنے کے لیے درختوں سے ڈھکا روایتی علاقہ (CHAAN(سایہ)ADAAN / جو بھی نام ہو۔نام لکھیں:

_____

۳۔مقامی چراگاہوں تک رسائی_____

۴۔ راستوں پر عارضی قیام کی جگہیں_____

۵۔جنگل کے راستے/قریبی علاقے/گاؤں تک رسائی_____

۶۔جنگلاتی برادریوں کے مشترکہ مقامات جیسے کھیلوں کی جگہیں/ بیٹھنے کی جگہیں/کشتی کے علاقے پر مشترکہ حقوق_____

دیگر تفصیلات شامل کریں (اگر کوئی ہے تو لکھیں)۔

7۔ دعویدار کی طرف سے دعوے کے حق میں درج ذیل ثبوت تحت رول 13 پیش کئے:

7. Evidence in support:

(See Rule 13)

نمبر شمار	ثبوت	جاری کردہ معہ تاریخ اور سال

دیگر جو ثبوت موقع پر دیکھے گئے: Physical Attributes

8. Any other information

.4۔ قبائیل خاص کر Primitive Tribal Group کتنا عرصہ کس جگہ رکتے ہیں:

4. Community tenures of habitat and habitation for PTGs and pre-agricultural communities, if any:

(See Section 3(1)(e) of the Act)

جواب: جموں کشمیر میں کوئی بھی قبیلہ Primitive Tribal Group نہیں ہے۔

5۔ دعویدار کے جنگل کی حیاتیات اور روایتی علم پر حقوق جو وہ جنگلوں کے اندر کی زندگی کے بارے میں ہے رکھتا ہے ذیل میں درج ہیں۔

5. Right to access biodiversity, intellectual property and traditional knowledge, if any:

(See Section 3(1)(k) of the Act)

ا۔ جنگلی جانوروں کے بارے میں جانکاری

۲۔جنگلی جانوروں کی جانکاری:

۳۔دعویدار جنگل میں موجود ثقافتی اہمیت Cultural Importance کی جگہوں، علاقوں، زیارتوں، دیواستھانوں، دیوتاؤں، مذہبی اور ثقافتی طور پر اہم درختوں تک رسائی کے حقوق رکھتا ہے۔

تفصیل لکھیں:_____

6۔دوسرے روایتی حقوق (Traditional Rights) جن پر دعویدار کا حق ہے:

6. Other traditional right, if any:

اڑاں----------

رکھ----------

گرمیوں کی چراگاہیں----------

جنگل----------

ڈھوک بہک----------

رکھ----------

فاریسٹ بیٹ نمبر----------

فاریسٹ کمپارٹمنٹ نمبر----------

(c) دعویدار خانہ بدوش ہے اور ایک چرواہا ئے کے طور پر ذیل میں دیئے گئے راستوں سے اپنی چراگاہوں کی طرف رسائی حاصل کرتا ہے۔

(c) Traditional resource access for nomadic and pastoralist, if any:

(See Section 3(1)(g) of the Act)

تاریخ جب سفر شروع کرتا ہے	جگہ جہاں سے سفر شروع کرتا ہے	جگہ جہاں ایک روز میں پہنچتا ہے

ٹک کا نشان لگائیں:

۱۔تعمیری لکڑی کے علاوہ لکڑی پر جس میں جلانے کی لکڑی بھی ہے۔
۲۔جنگلی جڑی بوٹیوں پر، درختوں کی جڑوں اور چھال پر، چھانگ پر
۳۔جنگلی شہد پر، کچھ (جیکن پر)، لاکھ پر
۴۔بانس پر، ریشم کے کیڑوں پر، یا کوئی دوسری چیز پر۔
۵۔کچھ اور ہو تو یہاں لکھیں:

3۔مشترکہ حقوق:

3. Community rights

(c) Traditional resource access for nomadic and pastoralist, if any:

(See Section 3(1)(g) of the Act)

فاریسٹ رائٹس کمیٹی نے دعوؤں کی تصدیق (Verification) کے دوران پایا کہ دعویدار کے مشترکہ حقوق ذیل میں درج ہیں:

(a) دعویدار کے آبی وسائل پر حقوق :

(a) Uses or entitlements (fish, water bodies), if any:

تالاب:----------
قدرتی چشمے:----------
دریا:----------
نہر:----------
کسی، وغیرہ----------

اگ آبی وسائل جن پر حقوق ہوں زیادہ ہوں تو الگ سے کاغذ نتھی کریں:

(b) چراگاہیں جن پر دعویدار حقوق رکھتا ہے:

(b) Grazing, if any

سردیوں کی چراگاہیں----------
جنگل----------
فاریسٹ بیٹ نمبر----------
فاریسٹ کمپارٹمنٹ نمبر----------

FORM – B

CLAIM FORM FOR COMMUNITY RIGHTS

[See Rule 11(1)(a) and (4)]

جنگل کی زمین پر مشترکہ حقوق دعویٰ (فارم بی)

دعویدار کا نام (اگر دعویدار زیادہ ہوں تو فہرست ساتھ نتھی کریں)

1. Name of the claimant(s):

(الف)۔کیا دعویدار شڈیول ٹرائب ہے: (a) FDST community: ہاں۔۔۔نہیں Yes/No

(ب)۔روایتی باشندہء جنگلات ہے: (b) OTFD community: Yes/No ہاں۔۔۔نہیں

2۔گاؤں Village :

3۔گرام پنچائت 3. Gram Panchayat::

4۔تحصیل 4. Tehsil/Taluka::

5۔ضلع 5. District:: جموں وکشمیر

دعویدار جنگلات کی زمین پر کس طرح کے حقوق رکھتا ہے

Nature of community rights enjoyed:

1۔مشترکہ حقوق کی نوعیت:

1. Community rights such as nistar, if any:

(See Section 3(1)(b) of the Act)

کیا یہ حقوق نستر یا واجب العرض میں درج ہیں: ہاں۔۔۔نہیں

کیا محکمہ جنگلات کے پاس چراگاہ درج ہے: ہاں۔۔۔نہیں

کیا دعویدار کے حق میں چراگاہ درج ہے : ہاں۔۔۔نہیں

کوئی دوسری تفصیل ہو تو یہاں لکھیں:

2۔کیا دعویدار جنگلات کی اشیاء Minor Forest Produce پر اپنا دعویٰ رکھتا ہے جو نیچے درج ہیں:

2. Rights over minor forest produce, if any:

(See Section 3(1)(c) of the Act)

8. Evidence in support:

(See Rule 13)

نمبر شمار	ثبوت	جاری کردہ معہ تاریخ اور سال

دیگر جو ثبوت موقع پر دیکھے گئے:

۱۔ مکان، گلا، جھونپڑی وغیرہ تفصیل لکھیں: _____

۲۔ زمین کی نوعیت اگر وہ کاشت کے لئے ہو _____

۳۔ پانی کے مقام ----------

۴۔ قبرستان یا شمشان گھاٹ _____

۵۔ نزدیکی زمین پر باقی پرانے نشانات کی تفصیل لکھیں:

۶۔ دیگر نشانات جو موقع پر پائے گئے: _____

9 ۔ کوئی اور تفصیلات اگر ہوں تو یہاں لکھیں:

دعویدار کے دستخط یا انگھوٹھے کا نشان: Signature/Thumb Impression of the Claimant(s):

فاریسٹ رائٹس ایکٹ 2006 رول 2007

The Scheduled Tribes and Other Traditional Forest Dwellers

(Recognition of Forest Rights) Rules, 2007

حکومتِ ہند Government of India:

وزارت قبائلی امور Ministry of Tribal Affairs

Date:

Place:

5۔اگر دعویدار کو بلا معاوضہ رقبہ جو اُس کے زیرِ قبضہ تھا نکالا گیا ہو تو تفصیل لکھیں:

5. Land from where displaced without land compensation: (See Section 4(8) of the Act)

6۔اگر دعویدار ایسی زمین ہے کہ جو جنگل میں بسا گاؤں ہے یا کسی قدیمی بستی کا حصہ ہے تو تفصیلات لکھیں:

6. Extent of land in forest villages, if any:
(See Section 3(1)(h) of the Act)

7۔اگر کوئی دوسرے روایتی حقوق (Traditional Rights) جن پر دعویدار کا حق ہے:

7. Any other traditional right, if any:
(See Section 3(1)(l) of the Act)

ا۔ان روایتی اور مقدس مقامات تک رسائی _____

_____

۲۔جانوروں کے بیٹھنے کے لیے درختوں سے ڈھکا روایتی علاقہ (CHAAN(سایہ)ADAAN / جو بھی نام ہو۔نام لکھیں:

_____

۳۔مقامی چراگاہوں تک رسائی _____

۴۔ راستوں پر عارضی قیام کی جگہیں _____

۵۔جنگل کے راستے/قریبی علاقے/گاؤں تک رسائی _____

۶۔جنگلاتی برادریوں کے مشترکہ مقامات جیسے کھیلوں کی جگہیں/ بیٹھنے کی جگہیں/کشتی کے علاقے پر مشترکہ حقوق _____

دیگر تفصیلات شامل کریں (اگر کوئی ہے تو لکھیں)۔

8۔ دعویدار کی طرف سے دعوے کے حق میں درج ذیل ثبوت پیش کیے:

مکان	
جانوروں کے لئے باڑہ، بانڈی وغیرہ	
درخت یا جانوروں ک ستانے کی جگہ، رقبہ	
دوسرے وسائیل پانی وغیرہ کے لئے رکھی گئی زمین تفصیل لکھیں:	
راستوں کی تفصیل	
دیگر تفصیل اگر کوئی ہو:	

پارٹ بی

(b) زراعت کے لئے زمین (b) for self-cultivation, if any: (See Section 3(1) (a) of the Act)	زیرِ قبضہ رقبہ کنال مرلہ
ا۔ فصل کی نوعیت	
۲۔ فصل دوم کی نوعیت	
گھاس کے لئے زمین رکھ وغیرہ	
سبزیاں اُگانے کی زمین	

2۔ اگر زیرِ قبضہ رقبہ پہ تنازعہ ہو تو مقدمہ کی تفصیل لکھیں:: Disputed lands if any:

(See Section 3(1)(f) of the Act)

3۔ اگر دعویدار کے پاس کوئی پٹہ، لیز، گرانٹس، یا کوئی بھی اس طرح کا حکم نامہ ہو تو تفصیل لکھیں:

(See Section 3(1)(g) of the Act)3. Pattas/leases/grants, if any:

4۔ اگر دعویدار کو آبادکاری کے سلسلے میں یا متبادل زمین دی گئی ہے تو تفصیل لکھیں:

4. Land for in situ rehabilitation or alternative land, if any:

(See Section 3(1)(m) of the Act)

[See Rule 6(I)]

FORM – A

CLAIM FORM FOR RIGHTS TO FOREST LAND

[See Rule 11(1)(a)]

جنگل کی زمین پر انفرادی حقوق: دعویٰ (فارم اے)

انفرادی حقوق Individual Rights Claims دعوؤں پر فاریسٹ رائٹس کمیٹی کی رپورٹ

۱۔دعویدار کا نام :1. Name of the claimant (s) :

۲۔شریکِ حیات کا نام :2. Name of the spouse

۳۔والدین کا نام:3. Name of father/mother

۴۔پتہ::4. Address

۵۔گاؤں کا نام::5. Village

۵۔پنچایت کا نام::6. Gram Panchayat

۶۔تحصیل 7. Tehsil/Taluka::

۷۔ضلع 8. District (J&K) : جموں وکشمیر

۹۔ (a)دعویدار شیڈیول ٹرائب ہے: ہاں۔۔۔نہیں

9. (a) Scheduled Tribe: Yes/No (Attach authenticated copy of Certificate)

(b)دعویدار روایتی باشندۂ جنگلات ہے(Non-ST): ہاں۔۔۔نہیں(b) OTFT ?Yes/No

شریک حیات شیڈیول ٹرائب ہوتو سرٹیفکیٹ لاگانویں:

(If a spouse is a Scheduled Tribe (attach authenticated copy of certificate

دعویدار کے جنگلات کی زمین حقوق کی نوعیت

Nature of claim on land:

۱۔دعویدار کا جنگلات کی زمین پر قبضہ اور استعمال کی تفصیلات:

Extent of forest land occupied

(a)رہائش کے لئے زمین: (a) for habitation	زیرِ قبضہ رقبہء جنگلات کی تفصیلات کنال مرلہ

[See Rule 6(I)]

FORM – A

CLAIM FORM FOR RIGHTS TO FOREST LAND

[See Rule 11(1)(a)]

جنگل کی زمین پر انفرادی حقوق: دعویٰ (فارم اے)

انفرادی حقوق Individual Rights Claims دعوؤں پر فاریسٹ رائٹس کمیٹی کی رپورٹ

۱۔دعویدار کا نام :1. Name of the claimant (s) :

۲۔شریکِ حیات کا نام :2. Name of the spouse

۳۔والدین کا نام:3. Name of father/mother

۴۔پتہ::4. Address

۵۔گاؤں کا نام::5. Village

۵۔پنچایت کا نام::6. Gram Panchayat

۶۔تحصیل 7. Tehsil/Taluka::

۷۔ضلع 8. District (J&K) : جموں وکشمیر

۹۔ (a)دعویدار شیڈیول ٹرائب ہے: ہاں۔۔۔نہیں

9. (a) Scheduled Tribe: Yes/No (Attach authenticated copy of Certificate)

(b)دعویدار روایتی باشندۂ جنگلات ہے(Non-ST): ہاں۔۔۔نہیں (b) OTFT ?Yes/No

شریک حیات شیڈیول ٹرائب ہوتو سرٹیفکیٹ لاگانویں:

(If a spouse is a Scheduled Tribe (attach authenticated copy of certificate

دعویدار کے جنگلات کی زمین حقوق کی نوعیت

Nature of claim on land:

۱۔دعویدار کا جنگلات کی زمین پر قبضہ اور استعمال کی تفصیلات:

Extent of forest land occupied

(a)رہائش کے لئے زمین: (a) for habitation	زیرِ قبضہ رقبہء جنگلات کی تفصیلات کنال مرلہ

NOTICE نوٹس

Notice issued under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights)Act -2006 & Rules, 2007-08

فاریسٹ رائٹس ایکٹ، 2006 کے تحت دعوے طلب

گرام سبھا بذریعہ فاریسٹ رائٹس کمیٹی Forest Rights Committee ، جنگل کی زمین پر انفرادی حقوق (Indvidual Rights) اور مشترکہ حقوق (Community Rights) رکھنے والے شیڈیول ٹرائب (ST) اور جنگل کے دیگر روایتی باشندوں (OTFD) سے فاریسٹ رائیٹس ایکٹ 2006 کے تحت دعوؤں کی وصولی اور سماعت کا عمل شروع کر رہی ہے۔

کمیٹی پنچایت (گرام سبھا) کے تمام باشندوں کو آگاہ کرتے ہیں کہ وہ Forest Rights Act -2006 کے تحت اپنے دعوے مقررہ فارمیٹ (FRA کا فارم C,B,A,) استعمال کرتے ہوئے سیکشن 13 کے تحت تجویز کئے گئے ثبوتوں کے ساتھ 90 کے اندر جمع کرائیں۔ اس نوٹس کے اجراء ہونے کی تاریخ کے بعد فاریسٹ رائٹس کمیٹی _____ (جگہ) پر _____ (تاریخ) روزانہ _____ (وقت) پر دعوے وصول کرے گی۔

فاریسٹ رائٹس کمیٹی (FRC) ہر دعویدار کو ایک رسید فراہم کرے گی اور FRC کے ذریعے تصدیق کے لیے دعووں پر کارروائی کرے گی اور منظوری کے لیے گرام سبھا کو سفارشات پیش کرے گی۔ گرام سبھا پنچایت کے تمام باشندوں سے گزارش کرتی ہے کہ اس موقع کا فائدہ اٹھاتے ہوئے جنگلات پر اپنے حقوق کو تسلیم کرنے کے دعوے فاریسٹ رائٹس کمیٹی کے سامنے بلا تاخیر پیش کریں۔ دعوؤں کے ہمراہ دو یا دو سے زیادہ ثبوت بھی پیش کریں جو زمین پر دعویدار کے حقوق کو FRA رولز 13 کے تحت واضح کرتے ہوں۔

جاری کردہ:

گرام سبھا (پنچایت) ..... گاؤں .....

تحصیل .... ضلع ..... جموں و کشمیر

نام:	نام:
چیئرمین	سیکرٹری
فاریسٹ رائٹ کمیٹی	فارسٹ رائٹ کمیٹی
مہر	مہر

*** فاریسٹ رائٹس ایکٹ، 2006 کے سیکشن 11(1)(a) کے تحت جاری کردہ**

Templates نمونہ جات

ان نمونہ جات کو دیکھ کر آپ گرام سبھا کے کاغذات مکمل کر سکتے ہیں

1۔گرام سبھا نوٹس کا نمونہ

2۔فارم اے :بھرنے کا طریقہ:نمونہ

3۔فارم بی:بھرنے کا طریقہ:نمونہ

4۔فارم سی:بھرنے کا طریقہ:نمونہ

5۔رسید فارم

6۔دعوؤں کی جانچ پڑتال کے بارے میں جانکاری کا نوٹس،خط

7۔ دعوؤں کی جانچ پڑتال کے بعد فاریسٹ رائٹس کمیٹی کی طرف سے بنائی جانے والی رپورٹ فارم اے،بی

8۔گرام سبھا میٹنگ کے لئے نوٹس کا نمونہ

9۔گرام سبھا کی قرارداد : کا نمونہ

10۔گرام سبھا کی قرارداد برائے منتقلی اراضی برائے عوامی مفاد: کا نمونہ

دوسری جانکاریاں

فاریسٹ رائٹس ایکٹ کے بارے میں بنیادی جانکاری

جنگل کے حقوق کی طرف بڑھتے قدم

اُردو سیکشن

Urdu Section

Dr. Javaid Rahi

Dr. Javaid Rahi is a tribal writer, poet, translator, broadcaster, social reformer of national repute. He has played a pivotal role in the development of the tribal language Gojri which is the third-largest spoken language of Jammu and Kashmir after Kashmiri and Dogri. Having authored more than a dozen books and compiled over 300 books including dictionaries, textbooks, anthologies, and periodicals, Dr. Javaid Rahi has made significant contributions through prestigious organizations such as the Jammu and Kashmir Academy of Art, Culture and Languages, J&K Board of School Education, University of Jammu, BGSB University Rajouri, Department of Tribal Affairs, J&K Govt, All India Radio , Doordarshan besides Gurjardesh Charitable Trust Jammu, and Tribal Research and Cultural Foundation.

Born in Chandak village near the Indo-Pak border, in 1970 Dr. Rahi holds a Ph.D. in Tribal Languages of Jammu and Kashmir from the University of Jammu. His participation in educational initiatives includes serving as the Convener/Co-coordinator of the Gojri Chapter of J&K Board of School Education, where he contributed to developing the Gojri curriculum for schools up to the tenth standard. He also prepared the Curriculum for MA Gojri–Pahari for BGSB University Rajouri and Designed the Curriculum for the Special PG Course for the University of Jammu.

Dr. Javaid Rahi, recognized prominently within the Scheduled Tribe (ST) Gujjar-Bakerwal communities, has made significant contributions as a social reformer. After the Reorganization of Jammu and Kashmir he has organized hundreds of programmes across Jammu and Kashmir to guide people about tribal rights especially Forest Rights Act 2006, SC/ST (POAAtrocities Act 1989 and other tribal rights.

His TV talk shows, aired on DD Kendra / Gulistan News, delve into various community social issues prevalent in tribes, promoting awareness of rights, and government schemes, and encouraging action against societal problems. Additionally, Dr. Rahi's presence on YouTube /Facebook pages with more than 500 Million viewers and more a Millon subscribers on social media pages, particularly on his own channel @JavaidRahi, has gained immense popularity, attracting over Tribal viewers across Jammu and Kashmir. Through short videos, he educates tribes about their rights and duties.

In acknowledgment of his outstanding contributions to Gojri literature, Dr. Javaid Rahi received J&K's first literary award in 2022 by the Tribal Affairs Department, J&K Govt for his outstanding contribution to Gojri language and Gujjar Culture. For social work he was awarded by the Lt. Governor of J&K in 2021 on the first Tribal Day at Jammu in a function organized by Tribal Affairs Ministry, J&K . The Jammu and Kashmir Academy of Art, Culture, and Languages has awarded him twice – the prestigious Best Book Award in 2000 and Playwright Award in 1998. He has also been honored with the National Fellowship Award from the Ministry of Culture, Government of India, for his outstanding work in Tribal research besides he got various other prestigious awards for his research-oriented work and literary achievements.

HIGHBROW PUBLICATIONS

Highbrow Publications

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